



PROCEEDINGS

RESOURCES LEADERSHIP TRESPASS CONFERENCE

Washington, D. C.
January 8-12, 1979



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Bureau of Land Management

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SECTION NO. 1

AGENDA

SECTION 10.1

10.1.1

1/5/79

AGENDA

RESOURCES TRESPASS LEADERSHIP CONFERENCE
JANUARY 8 - 12, 1979
INTERIOR BUILDING, WASHINGTON, D.C.

Monday, January 8, 1979 - (General Session) Rooms 7000-A and 7000-B

8:00 a.m. INTRODUCTIONS AND - - - - - Rolla "Spud" Chandler, WO-320
OPENING REMARKS Chief, Division of Lands & Realty

8:15 a.m. CONFERENCE OBJECTIVES - Frank Gregg, Director - Keynote Address

8:30 a.m. WHY WE'RE HERE TODAY

RESOURCES TRESPASS- - - - - Roman Koenings, Asst.
Director of Resources

MINERALS TRESPASS - - - - - Dale Zimmerman, WO-320
Chief, Div. of Mineral Resources

BUREAU-WIDE TRESPASS - - - - - Jim Richardson, WO-440
Chief, Div. of Fire & Protection

9:00 a.m. ANNOUNCEMENTS - - - - - Frank Shields, WO-321
Conference Moderator

9:10 a.m. STATES' TRESPASS PROBLEMS - - - - - State Directors' Representatives
5-10 minutes/State (strict time limit)

9:45 a.m. BREAK

10:00 a.m. STATES' TRESPASS PROBLEMS (contd.)

11:30 a.m. LUNCH

12:15 p.m. ACTIVITIES' TRESPASS PROBLEMS
5-10 minutes/Activity (strict time limit)

Management Research - John Moeller, WO-540

Law Enforcement - Pete Silvain, WO-442

Lands - Mat Millenbach, WO-322

Minerals - Bob Anderson, WO-723

Range - Al Strobel, DSC-330

Forestry - Frank Shiller, WO-340

Recreation/Cultural/Wilderness

Bill Brown, DSC-370

Watershed - Ken Walker, WO-350

Fire - Fred McBride, WO-440

Cadastral Survey - Roger Barron, WO-420

Planning - Jim Colby, WO-220

Public Affairs - Dan Alfieri, WO-130

Encl. 1-4

2:00 p.m. BREAK

2:15 p.m. ACTIVITIES' TRESPASS PROBLEMS (contd.)

3:45 p.m. WORK GROUP ASSIGNMENTS- - - - - Frank Shields, WO-321

4:00 p.m. OREGON OCCUPANCY TRESPASS - - - - - Gary Rundell, ORSO
Wayne Boden, Medford, OR

4:15 p.m. ADJOURN

Tuesday, January 9, 1979 - (Work Groups) All Day

TRESPASS COORDINATION WORK GROUP, CHAIRMAN: Warren Brough, UT Room _____

TRAINING WORK GROUP, CHAIRMAN: Don Halsey, BIFC Room _____

SETTING PRIORITIES WORK GROUP, CHAIRMAN: Dick LeDosquet, BIFC Room _____

POLICY DEVELOPMENT WORK GROUP, CHAIRMAN: Curt McVee, AK Room _____

PUBLIC AWARENESS WORK GROUP, CHAIRMAN: Dan Alfieri, WO-130 Room _____

Wednesday, January 10, 1979 - (Work Groups) All Day

Thursday, January 11, 1979 - (General Session) Rooms 7000-A and 7000-B until 2:00 pm

8:00 a.m. - 2:00 p.m. - WORK GROUP REPORTS/CRITIQUE

2:00 p.m. - 4:15 p.m. - (WORK GROUPS TO MAKE FINAL ADJUSTMENTS IN MEETING ROOMS)

Friday, January 12, 1979 - (General Session) Rooms 7000-A and 7000-B

8:00 a.m. - 11:30 a.m. - WORK GROUP REPORTS BY CHAIRMEN

11:30 a.m. - CLOSING REMARKS - DIRECTOR FRANK GREGG

Noon - ADJOURN CONFERENCE

We expect the BLM Director, Acting Associate Director, and Assistant Directors to be in attendance on Monday morning, January 8, and again on Friday morning, January 12.

LIST OF ATTENDEES

Page 1 of 1

1. The first section of the report is titled "Introduction".

2. The second section is titled "Methods" and describes the data collection process.

3. The third section is titled "Results" and presents the findings of the study.

4. The fourth section is titled "Conclusion".

5. The fifth section is titled "References" and lists the sources used.

6. The sixth section is titled "Appendix" and contains supplementary information.

7. The seventh section is titled "Bibliography" and lists the references.

8. The eighth section is titled "List of Figures" and lists the figures included.

9. The ninth section is titled "List of Tables" and lists the tables included.

10. The tenth section is titled "List of Abbreviations" and lists the abbreviations used.

11. The eleventh section is titled "List of Symbols" and lists the symbols used.

12. The twelfth section is titled "List of Acronyms" and lists the acronyms used.

13. The thirteenth section is titled "List of Initials" and lists the initials used.

14. The fourteenth section is titled "List of References" and lists the references.

15. The fifteenth section is titled "List of Figures" and lists the figures included.

16. The sixteenth section is titled "List of Tables" and lists the tables included.

17. The seventeenth section is titled "List of Abbreviations" and lists the abbreviations used.

18. The eighteenth section is titled "List of Symbols" and lists the symbols used.

19. The nineteenth section is titled "List of Acronyms" and lists the acronyms used.

LIST OF ATTENDEES
RESOURCES LEADERSHIP TRESPASS CONFERENCE
INTERIOR BUILDING, WASHINGTON, D.C.
January 8-12, 1979

Name	*Organizational Title	*Office
Lorin J. Welker	Chief, Div. of Technical Services	Idaho SO
Al Evans	L&R Program Leader (Div. Res.)	Montana SO
Harlen Smith	Chief, Br. of Protection (Div. T.S.)	New Mexico SO
Hans Hess	Chief, Br. of Bio. Sciences (Div. Res)	Colorado SO
Marvin W. Pearson	District Manager	Craig Dist., Craig, CO.
John E. Birch	Chief, Division of Resources	Calif. SO (Sacramento)
Alan P. Thomson	District Manager	Folsom Dist. California
August Spector	Employee Development Specialist	WO-533
Jesse R. Lowe	Actg. A/D-Tech. Services	WO-400
Frank Schiller	Division of Forestry	WO-340
David Lodzinski	Chief, Division of Resources	Eastern States Office
Tim Monroe	A/D-Legislation and Plans	WO-200
H. Max Bruce	District Manager	Yuma Dist., Arizona
Glendon E. Collins	Chief, Div. of Technical Services	Arizona SO
Mat Millenbach	Branch of Realty	WO-322
Paul D. Leonard	Chief, Division of Resources	Wyoming SO
Dave Pomerinke	Lands and Realty Program Leader	Wyoming SO
Ray Arndt	Natural Res. Spec. (Div. Res.)	Eastern States Office
Richard H. LeDosquet	Assoc. Dir., BLM-BIFC	Boise, Idaho
Don G. Halsey	Chief, Div. of Training, BLM-BIFC	Boise, Idaho
Wayne A. Boden	Asst. District Manager	Medford, Oregon
Larry Ouellette	Chief, Branch of Land Resources	WO-321
Jim Richardson	Chief, Div. Fire & Protection Mgmt.	WO-440
Bill Brown	Recreation Staff, DSC	DSC-370
Herb Haglund	Chief, Division of Resources	Oregon SO
Paul Smythe	Attorney	Solicitor's Office
George Lea	Deputy Asst. Dir., Resources	WO-301
Don Truesdell	Actg. Asst. Dir., Minerals	WO-700
Larry R. Young	Outdoor Recreation Planner	WO-370
Steve Spector	Paralegal Specialist	WO-320
Dave Little	Range Conservationist	WO-330
George Schmidt	Mining Engineer	WO-723
Dan Alfieri	Chief, Office of Public Affairs	WO-130
Eleanor R. Schwartz	Chief, Div. of Leg. and Reg. Mgmt.	WO-210
Dale E. Zimmerman	Chief, Div. of Mineral Resources	WO-720
Fred McBride	Chief, Branch of Fire Mgmt.	WO-440
Peter B. Silvain	Chief, Branch of Law Enforcement	WO-440
Jim Powell	Chief, Branch of Field Operations	Eastern States Office
John J. Moeller	Division of Management Research	WO-540
Allan W. Strobel	Range Scientist	DSC-330
Frank Shields	Conference Moderator (Div. L&R)	WO-321
Bob Anderson	Geologist	WO-723
Rolla E. Chandler	Chief, Div. of Lands and Realty	WO-320

Name	Organizational Title	Office
Paul Herndon	Public Affairs	WO-130
Gary Rundell	Realty Spec. (Div. Res.)	Oregon SO
Frank Gregg	Director, BLM	WO-100
Lee Roy Allen, Jr.	Special Agent	Alaska (AK-940)
Curt McVee	State Director, Alaska	Alaska SO
Warren Brough	Chief, Division of Resources	Utah SO
Mel Staheli	Trespass Compliance Specialist	Utah SO
Ed Evatz	Chief, Division of Resources	Nevada SO
Bill Malencik	Chief, Div. Technical Services	Nevada SO
Roman Koenings	Assistant Director, Resources	WO-300
Arnold Petty	Acting Associate Director	WO-101
Paul Vetterick	Acting Asst. Dir., Administration	WO-500
Maxwell T. Lieurance	Chief, Division of Range	WO-330
Ronald Kuhlman	Chief, Division of Watershed	WO-350
Ken Walker	Natural Resource Specialist	WO-350
Roger Barron	Cadastral Surveyor	WO-420
Lou Bellesi	Chief, Branch of Realty	WO-322

*Note: Many organizational titles and office codes in the Washington Office were changed on July 1, 1979, to reflect the new Headquarters organization.

WASH. D.C. 5-13-77

REPORT OF THE JOINT COMMISSION ON THE ASSASSINATIONS OF MARTIN LUTHER KING, JR. AND ROBERT F. KENNEDY

WASHINGTON, D.C.

SECTION NO. 3

GENERAL SESSION -- OPENING REMARKS

REPORT OF RESOURCES LEADERSHIP TRESPASS CONFERENCE

JANUARY 8-12, 1979

DEPARTMENT OF THE INTERIOR BUILDING

WASHINGTON, D.C.

MONDAY, JANUARY 8, 1979:

INTRODUCTIONS AND OPENING REMARKS

Rolla ("Spud") Chandler, Chief, Division of Lands and Realty

After introductions, Mr. Chandler opened the conference by giving conservative estimates of certain lands-type trespasses:

1. Agricultural trespasses: 1,000 + each
2. Unauthorized Mining Claim occupancies: 1,500 each
3. Unauthorized REA powerlines: 2,750 miles

A November 1978 study by the General Accounting Office points out the lack of legal authority by the Bureau of Land Management (BLM). This was true in the past in some cases but today we have the legal authority needed; what is lacking is strong policy and legal support.

A focal point for trespass coordination and guidance in the Washington Office is needed. The proposed new position of Deputy Director for Lands and Resources may be the best place for this function.

WHY WE ARE HERE TODAY - RESOURCES TRESPASSES - Roman Koenings, Assistant Director, Resources:

Mr. Koenings stressed that trespass is everybody's responsibility - not that of just a few.

We must apply good judgement and consider facts as opposed to suppositions when pursuing trespass.

Various Kinds of Resources Trespass:

Range - Grazing animals (domestic). Unlawful enclosures. Unauthorized livestock water developments.

Forestry - Timber. Other forest products such as posts, poles, firewood, Christmas trees, wildlings, etc.

Lands and Realty - Occupancy. Agriculture. Rights-of-Way. Dumping (nuisances).

Recreation - Unauthorized recreational uses. Cultural disturbance.
Littering.

Watershed - Non-livestock use, destruction or construction of springs, wells, lakes, reservoirs. Pesticides. Paleontology. Endangered plants.

Other Trespass:

Minerals - Under jurisdiction of Assistant Director, Minerals.

Fire - Under jurisdiction of Assistant Director, Technical Services.

Prevention of trespass is very important and should be given high priority:
You can count on the support of Management of BLM in your trespass efforts.

CONFERENCE OBJECTIVES - FRANK GREGG (Keynote Address):

Director Gregg expressed a great deal of interest in learning about trespass in BLM, including learning where the principle areas of concern are:

1. We must deal gingerly with trespass and exercise good judgement, since the politics of trespass can be very dramatic.
2. Prevention has to be the most important element of a trespass program.
3. We must have a policy on what kinds of trespass should have priority.
4. There has been good staff work in preparation for this conference.
5. The policy development work group is the key work group with the biggest challenge.
6. The Department and the Bureau will give strong support for an active trespass program in the Bureau.
7. Trespass should have a focal point in the Bureau organizational structure.
8. The Bureau must give guidance on trespass via annual work plan directives.
9. Trespass should be a program.

(Director Gregg attended the conference for a total of approximately an hour and a half, taking notes, asking questions, and displaying keen interest and attentiveness).

MINERALS TRESPASS - Don Truesdell, Acting Assistant Director, Minerals

There are trespass problems in all three kinds of minerals: locatable, leasable, and saleable.

1. Locatable - Primarily mining claim occupancy.
2. Leasable - Principally coal, usually by corporations.
3. Saleable - Common varieties of minerals are being taken without proper authorization.

The theft of coral is prevalent on portions of the Outer Continental Shelf.

BUREAUWIDE TRESPASS - Jim Richardson, Chief, Division of Fire and Protection:

Trespass

Contract Violations, e.g., contractor cutting timber not authorized by timber sale contract.

Civil Trespass, e.g., removing forest products of nominal value.

Criminal Trespass, e.g., theft of forest products that violate criminal statutes.

Law Enforcement - enforcing laws and regulations.

Professional law enforcement includes several steps: prevention, detection, investigation, apprehension, prosecution.

The current reorganization study should include a full-time position in the trespass function under the Assistant Director, Technical Services.

REPORTS BY STATES

Representatives from each of the 12 States gave brief summaries of their trespass problems (Note: written reports were turned in later in the week. They are included here in entirety):

SECTION NO. 4

GENERAL SESSION -- STATES TRESPASS PROBLEMS

SECTION NO. 4

GENERAL SECTION -- STATE TROOPING

TRESPASS - ALASKA - CURT McVEE - STATE DIRECTOR

Alaska Native Claims - (do they have authority or not?). Make for sticky questions.

A number of mining claims have been staked on lands that were closed to entry under the mining laws.

Trespass cabins built by guides or air taxi operators are a problem - policy is not to destroy because they provide shelter for people in emergencies.

D-2 proposals are complex issues.

Not much of a grazing trespass problem.

Biggest problem - changing land tenure. Recent demonstrations indicate it will be difficult to do much meaningful trespass work in the immediate future.

TRESPASS - ARIZONA - GLENDON COLLINS - CHIEF, DIV. TECH. SERVICES, AZ SO

Principle Problems

Occupancy (Residential) - 200 to 300 mining claim occupants scattered throughout the State.

Desert vegetation removals - habitual law breakers and irresponsible people use State laws governing cactus and other desert vegetation removal and transportation to get permits from private landowners and strip public land areas.

Grazing - a sleeping giant that will awaken when we have the personnel for a greater surveillance and compliance effort.

Lower Colorado River - some as-yet-unresolved trespasses resulting from land title issues.

Trespass is currently not a large or controversial State problem or program. It will become so when and if we can devote time to the job.

TRESPASS - CALIFORNIA - JOHN BIRCH, CHIEF, DIVISION OF RESOURCES, CA SO

We in California have trespass programs - or, if you will, problems in all of the various activities in resources on public lands - such as Forestry, Range, Recreation - unique perhaps in California, for example, is trespass by off-road vehicle (ORV) clubs when they violate provisions of their recreational use permit or conduct an event without a permit. Assessment of damages resulting from unauthorized uses of the various resources is one of our bigger procedural problems, again for example, it is very difficult at the best to assess damages for ORV event trespass. Also, trespasses or theft of such irreplaceable resources as archaeology, desert plants, and even potentially rare and endangered plants is of major concern. One of the aids in solving this particular problem is a recently enacted California State Law, of which the Bureau was very supportive in having it successfully passed last year. It will aid us appreciably in preventing theft of desert plants in the California Desert.

However for this report I would like to limit the remarks to the Realty Program - not as a matter of convenience but we have the best handle right now on the extent of this problem and also it is one, if not the most significant, trespass problem we have. Some 2 years back we analyzed our problem quite comprehensively and subsequently proposed a package for the realty trespass situation. It was an adjunct to our Realty Decision Unit (Outyear Plan) for 1980 and we will use it as supportive data in our Fiscal Year 81 packages.

In last year's package we reflected that in 1976 we estimated a potential workload of 1300 + cases. Because of emphasis on higher priority work - i. e., Non-Bureau Initiatives/Land Use Planning, Rights-of-Way, other public demand cases as well as compliance checks, etc., there has been a continued build-up and a backlog of trespass cases. This year's analysis showed almost 1500 cases. This was undoubtedly some buildup, but also to a great extent a better estimate. These cases were (confirmed and suspected) as follows:

Occupancy:

Category	<u>Mining Related</u>	<u>Nonmining Related</u>	<u>Rights- of-way</u>	<u>Agri- culture</u>	<u>Enclosures</u>	<u>Other</u>	<u>Total</u>
Confirmed	233	236	29	8	15	5	526
Suspected	<u>371</u>	<u>217</u>	<u>199</u>	<u>9</u>	<u>141</u>	<u>16</u>	<u>953</u>
Total	604	453	228	17	156	21	1479

Conflicts which these trespasses cause with our management programs are:

1. Denial of public access across public lands occupied in trespass (estimated 50 percent of total cases).
2. Prevention of authorized uses by the public on the public lands (estimated 50 percent of total cases).
3. Structures which pose serious health and safety hazards - as well as an aesthetic impact (estimated 75 percent of total cases).
4. Conflict with BLM Management Programs - Wildlife, Watershed, Cultural, etc. (estimated 80 percent of total cases).
5. Lack of aggressive abatement program encourages others to trespass - creates public image that BLM is incapable of management.
6. Lack of aggressive program also allows or at least condones continued capital investment on public lands.

A number of benefits anticipated from an aggressive trespass abatement program are:

1. Elimination of illegal use of public lands.
2. Increased receipts from some resource programs.
3. Decreased costs in cleaning up the trash, garbage, and junk.
4. Improvement in wildlife habitat and reduction of illegal hunting.
5. Decrease fire danger to public lands from trash and debris burning by trespassers.
6. Improvement in availability of access to public lands by the general public (many people are now scared off public lands in California by occupants who "post" or gate off lands).
7. Reduction of erosion from poorly maintained roads constructed in trespass.
8. Elimination of conflicts in adjudication of permits and leases to bona fide users.
9. Improvement in public opinion toward BLM as managers of the public lands.
10. Assistance in deterring occurrence of new trespasses.

It is our feeling that an aggressive abatement program should involve four specific components - I don't believe this is particularly unique in California, and if we had all our "rathers" in the following time frame:

1. An inventory to establish the actual trespass situation within a 4-year target (Folsom has already instituted a comprehensive inventory program for occupancy trespass in its district.)
2. Conduct surveys where needed to determine if trespass exists within a 4/5-year target.
3. Set priorities for case processing with the goal to complete those cases that are not under some sort of a mining validity in approximately 8 years.
4. Lastly, where we have to conduct validity examinations of mining claims believed to be used for occupancy rather than for mining purposes, a completion of the validities will extend past our program package outyears - from 8-10 years.

There are a number of problems in California associated with an aggressive trespass abatement program, such as:

1. Approximately 75 percent of our total confirmed and suspected cases involve unauthorized occupancies of residential purposes. The majority of these are believed to originate under a guise of the mining law.
2. Many of the occupancy trespasses are connected with nearby local communities.
3. A great many are in areas valuable for recreation - open space and other resource programs.
4. There is an adequate authority available for use to meet the objectives of the program - although additional regulations may be needed for legalizing appropriate uses by permit leases and transfer under FLPMA.
5. With few exceptions our URA and MFP information on trespasses is incomplete or outdated.
6. "Aptly learned" in the past, the institution of a major trespass abatement program will generate both political and public opinion - not all of it favorable toward the program or the Bureau of Land Management.
7. Lastly, our program capability is lacking. In our outyear program package, we can only get up to 45 percent of our annual needs. At our current year budget levels, we are not even keeping up with the new cases.

LANDS

Overall, lands trespasses are generally assigned a lower priority than other types of trespasses, such as timber, grazing, minerals, etc., due mainly to the fact that they are usually easier to live with or ignore for a longer period of time, are often very complicated and involve hardship situations, and the cost of working the trespass usually exceeds fees collected. In addition, when the BLM puts too much heat on certain types of lands trespasses, Congress responds with accomodation legislation, such as Unintentional Agricultural Trespass Act and the Mining Claims Occupancy Act.

The main types of lands trespasses are:

- Residential
- Agricultural
- Communications Sites
- R/W Facilities
- Public Use Facilities (mainly dumps)

With the capability we now have, priorities are generally set according to how flagrant the trespass is or how much it interferes with a planned project, such as construction of a road. This is not how it should be, merely how it operates under current constraints and other priorities.

If the BLM is to have a trespass program, then a program must be designed that will (1) prevent trespass and (2) resolve and/or eliminate existing trespasses. The main factors of this program that I see are as follows:

1. Top management commitments to the program.
2. Increased manpower and funding capabilities to:
 - a. Complete a thorough inventory of suspected trespasses.
 - b. Increase Cadastral Survey support for boundary identification.
 - c. Induce commitments from Regional Solicitors' offices to assign higher priority for their support.
 - d. Increase expertise and manpower capability in appraisal staffs.

3. Design and implement an aggressive trespass prevention program which should include:
 - a. Public awareness.
 - b. More visible boundary identification through strategically placed signs.
 - c. Use of trained personnel in processing trespasses. Consideration should be given to having full-time trespass specialists in each District Office. This could possibly be tied to the law enforcement program. The trespass specialist would process the cases, obtain necessary documentation, etc., with assistance and support as needed, from other disciplines.
 - d. Give more emphasis to existing trespasses in the URA/MFP efforts in order to create greater public awareness and supports for elimination and prevention of unauthorized uses.
 - e. Evaluate how effective it would be to utilize the authority contained in Sec. 303(c)(1) of FLPMA in trespass abatement and prevention.
 - f. Give priority to revising existing guidelines for handling trespass.
 - g. Develop a successful budget strategy to put BLM in a position to implement and maintain the program. Special emphasis should be given to the present and increasing value of public lands and its resources for public uses. Cadastral survey support is a must in a budget proposal. Somehow or other, a budget proposal will have to be presented that will get the attention of OMB and Congress. A suggestion would be to submit a comprehensive proposal covering all types of trespasses, emphasizing annual Federal revenues lost and environmental degradation if left unattended.

MINERALS

The minerals trespass situation can be assessed as an intermittent low intensity problem. Although mineral trespass is suspected to exist, it is probably limited, to a large extent, to the unauthorized removal from the public lands of very small quantities of mineral materials such as moss covered rock, sand and gravel, flagstone, etc., by uninformed persons for personal use. Some small quantities of mineral materials have been removed for commercial use in recent years, for example, sand and gravel from a pit near Rangely; sand and gravel from Stockraising Homestead lands near Blue Mesa, and fill material from an area in Park County. These trespasses have been or will be terminated without much effort. The low intensity of mineral material trespass is also reflected in the programmed units of accomplishment of only two units in the 4130-2044 job code category in the FY 1979 Annual Work Plan.

Leasable mineral trespass is very rare in Colorado and the only example of recent origin is the coal trespass reported by employees of a large coal company, which was processed and settled promptly after payment of a large innocent trespass settlement. (See C-24148 Coal Trespass (9230) for further information.)

Employees of each District Office were interviewed to form the basis of the above evaluation and conclusion as to the extent of minerals trespass in Colorado.

GRAZING

To date, complaints have generally been by BLM against domestic livestock making unauthorized use. Few if any formal complaints have been made in relation to wild horses making unauthorized use on private lands.

Very few cases have been reported by field offices in the past--an average of about 15 per district per year. Related to these cases, the greatest problem was how to handle repeated cases of trespass where the operator was uncooperative.

An example would be where the unlicensed operator removes the animals upon the notice but repeatedly puts the livestock back out. Often State law would be a benefit to use in these cases; however, clear guidance on how to cooperate with the State and these laws has not been given.

Problems on the Horizon

The new draft grazing Manual deletes the ability of administrative process and appeal of impounded livestock. This means the only recourse open by the livestock controller is district court and injunction. If an injunction is filed, BLM could be feeding cattle for a number of years to collect a \$20.00 trespass.

The Manual must be modified to allow a bond to be acceptable payment to redeem the impounded livestock.

TRESPASS - EASTERN STATES OFFICE -
DAVE LODZINSKI, CHIEF, DIV. RESOURCES - ESO

Progress to Date

ESO Organization: Eastern States was reorganized from a land office into a resources management organization in 1973. Before 1973, the primary concern of BLM in the East was surface land disposal. Virtually nothing had been done to inventory the Federal mineral ownership under non-Federal surface in the East.

Inventory Efforts: The Lake States Office inventoried upland and island ownership in Minnesota, Wisconsin, and Michigan in the late 1960's and early 1970's. Between 1973 and 1975, the Division of Resources made a computerized listing of Federal mineral ownership in 14 Eastern States. The other 17 Eastern States were surveyed using metes and bounds and are difficult to map.

Trespass Evidence:

1. There are 74 suspected occupancy trespasses (cabins or boathouses) in the Lake States.
2. There are 47 suspected public use occupancy trespasses (powerlines, public roads, etc.) in Wisconsin and Michigan, along with 47 suspected instances of other forms of occupancy trespass (causeways, boat docks, etc.).
3. There are 31 suspected agricultural or grazing trespasses in the Lake States. Also, an occupancy and timber trespass on a tract in Greene County, Mississippi.
4. A case concerning 40 - 50 houses and lots on one tract of land near Lake Erie in Monroe County, Michigan.
5. There are 31 cases of known or suspected coal trespass in the North Central Alabama Land Use Study Area (Alabama coal trespass was picked up in routine inventory for a land use study). One case being investigated and processed - \$2.8 million. Also 30 cases with coal value estimated at \$48 million.
6. One suspected trespass involving coal and one involving oil and gas in Garrett County, Maryland.

Problems

Scattered holdings in 13 states:

1. 225,000 acres surface
2. 1.5 million acres Federal mineral ownership under private surface

ESO is small in staff members and number of field offices. Lack of BLM presence and management programs contribute to trespass.

Future Needs/Plans

Planned land use inventory method: A systematic search method to expedite the identification of existing and potential instances of trespass on ESO's scattered resource holdings will be developed and implemented by the Division of Resources over the coming year. The work will be part of an inventory of Federal surface ownership and non-Federal surface over Federal mineral ownership. The inventory will involve the use of USGS Land Use and Land Cover Classification maps and the interpretation of aerial photographs. By use of this method, unauthorized disturbances can be identified and field checks initiated.

Investigation Organization:

1. Recently developed
2. Trespass Coordinator
3. Trespass Investigators

Detering Trespass:

1. Federal Register notice with follow-up news articles in North Central Alabama
2. Posting of signs
3. Aggressive handling of trespass

TRESPASS - IDAHO - LORIN WELKER, CHIEF, DIV. OF TECHNICAL SERVICES - ID SO

A. Types of Trespass

1. Agriculture Trespass - We estimate there are over 1,000 unsettled agriculture trespass cases in Idaho. Most are unintentional type which require some type of land survey to determine acreages involved. We are also finding a large number of agriculture trespasses which have and are occurring deliberately because people don't feel BLM will find out about it for years and if we do they figure they can settle for less than normal farm land rental. Many also know that BLM will have to make an expensive cadastral survey before we can take them to court.

Most of these cases require subdivision of a section to determine exact extent of trespass.

2. Minerals Material Trespass - With the present building boom in Idaho and the use of native materials for fireplaces and veneer, we have experienced a one-hundredfold increase in lava rock trespasses in Idaho. The value of this type of material has reached \$140/ton retail value. One individual alone has removed over 1500 tons of material. A second one has removed almost as much. Despite warnings both verbal and in writing, including a letter from our U.S. Attorney, removal continued. We hope to go to grand jury this month to obtain an indictment for criminal theft of government property and possibly conspiracy against these individuals. If we can get a conviction it will help prevent others from doing the same thing. If we don't we can expect a tremendous increase in trespasses.

Forty years ago I used to help my grandfather remove this same type of rock from his farm because it was a nuisance. Today, Mexican aliens are hired to pick up flat lava rocks, load them on a pallet or truck and the trespass operators are making huge profits from selling this material as building stone.

Individuals are also filing mining claims on this type of stone to prevent BLM from taking action against them, or at least take the trespass out of the willful category.

3. Timber Trespass - The Boise and Coeur d'Alene Districts are experiencing increased timber cutting trespass since lumber values have increased rapidly and private timber is becoming scarce.

Single cedar tree trespass for shingles in the Coeur d'Alene District has become a real problem. Anybody with a chain saw and a pickup can go out and cut up a tree into shingle bolts, load a pickup, and be down the road in 2 or 3 hours. Many of these trespasses are occurring at night and on who committed the trespass after they leave the scene. It is almost impossible to catch them in the act. Some apparently use CB's to warn each other of vehicles approaching.

4. Fire Trespass - Trespass Notices - The number of man-caused fires is on the increase which compounds the fire trespass problems of conflicting guidance and instructions on when to consider trying to collect fire costs and damages on man-caused fires. Field offices make different interpretations from the manual. Some Districts send out notices of trespass and record same on the trespass register as soon as they get any kind of information identifying the individual who caused the fire. This creates problems and paperwork in removing cases where one really doesn't have information that would prove in court that a specific individual started a fire or when there is no chance of restitution being made.

5. Unauthorized Range Improvements - A significant increase in road and trail construction and ditches has occurred recently. Some have occurred in areas being studied as potential wilderness.

I suspect most of these trespasses occur because the general public knows 500 BLM employees statewide (most of whom are tied to the office doing planning or environmental statements) can't cover some 12 million acres of land very often and the chance of getting caught is slight.

They also realize that many of our employees are not sure where the boundaries of public land are located.

Trespass Problems - Idaho

I have broken down Bureau trespass problems, as we see them in Idaho, into three major categories:

1. Employee Oriented Problems
2. Management Support Problems
3. Other Problems

1. Employee Oriented Problems

Included here are problems observed collectively with employees in Idaho and my observations based on the participation in the third Bureau trespass training course held in Phoenix last April.

a. Responsibility: A large majority of Bureau field employees do not know that as employees they are required by Secretarial Order 2519 and BLM Manual 9230 to:

"Report suspected trespasses,"

"acquaint themselves with the location of lands under Bureau jurisdiction," and

"be observant for suspected violations of law and regulations."

b. Interest or Concern: There is also a lack of concern by field employees about "what is going on" on public lands, especially if it is not in their immediate area of expertise and/or does not affect their activity. Soil scientists are only interested in soils. Range conservationists are only interested in grazing. Archaeologists are only interested in cultural resources.

Examples

A range conservationist who had been assigned by a DM to check on a possible lava rock trespass phoned my Special Agent and told him to get out there and do the investigation as he was not being paid to do that kind of work.

A district archaeologist, traveling through public land on his/her way to look at an arrowhead site (a few chippings) in mid-summer a couple of years ago, saw someone dumping garbage on public land and passed forty head of cattle grazing in a sheep winter range area without so much as getting a vehicle license number, trying to check on a brand, or even counting the livestock. He never even mentioned it to the Area Manager until several weeks later.

Many employees would rather not get involved. They don't like to be considered bad guys or only want to be involved when it affects their specialty or profession.

They don't see any reason to get excited about trespass when there is not any emphasis or definitive policy coming from District Managers, State Directors, and the Washington Office.

Emphasis being what it is on (1) inventorying resources, (2) planning, and (3) environmental reports, it is not surprising there is a serious lack of interest and/or concern by field employees, supervisors, area managers, and some DM's about trespass investigation and case follow-up--not only in Idaho but Bureauwide.

c. Knowledge: The large majority of Bureau employees, not having any training, just do not know what to do when they encounter a trespass, or what is required to prepare a good case. They are not familiar with the time-proven investigative techniques of determining "who, what, when, where, why, and how."

Employees do not know or understand applicable laws and legal processes in trespass, i.e., criminal vs. civil. Also they can't understand failures to prosecute trespassers by the U.S. Attorney, compromise settlements, and plea bargaining.

They don't understand that the first thing we must be able to prove (if a trespass case goes to court) is that BLM has jurisdiction over the land where the trespass occurred, i.e., BLM must prove beyond a reasonable doubt that a trespass occurred on public land under our jurisdiction. This almost always requires testimony by cadastral surveyors if a case goes to court.

Employees either do not know how to prepare and process a trespass case or don't want to take the time to prepare a good case file. They don't seem to understand that the first person on the scene or the first investigator can make or break a good trespass case.

2. Management Support Problems

a. Policy: In the 28 years I have been with the Bureau I can only recall one time that the Directorate has ever placed strong emphasis on the Bureau policy on trespass. George Turcott did this last year at the Phoenix trespass training session. Even this, unfortunately, only directly reached about 60 trainees.

b. Written Guidelines: Bureau trespass guidelines in the form of manuals and handbooks (with the possible exception of forestry) are greatly outdated, inadequate, or nonexistent.

How can we expect employees to be concerned and do a good job in trespass investigation, case preparation, case closure, and trespass abatement if they are not provided the tools they need.

3. Other Problems

a. Boundary Identification: A lot of Bureau employees do not know the exact location of much of the public land in their Area or District. How can we expect the public to be any better. Not only does the lack of identified boundaries create a lot of trespasses, it makes it difficult to prosecute both criminal and civil cases successfully in court.

b. Public Relations: Because the general public is not aware of our concern about trespass and they do not know the location of public land and/or the penalties for trespass, we cannot expect them to report trespasses when they are observed, not can we expect trespass to decline.

4. Recommendations

It is very timely that this conference is being to held to address these problems. The Bureau's past history has been that we get excited about trespass once every ten years and hold training sessions for a handful of people. Obviously this approach has not worked or we wouldn't be here this week.

After 25 years of working trespass cases all the way from investigating the stealing of huckleberry bushes, the single theft of 250,000 board feet of timber, to the investigation of cutting of Joshua trees in the California desert for surgical splints, I am convinced the only way we can eliminate trespass is through:

a. Establishment and support of a strong policy on trespass abatement from the Directorate down to the DM's.

b. Making each employee aware of his or her responsibility to look for and investigate all trespasses. Encourage all employees to become knowledgeable about the exact location of public lands and what legitimate activities are going on in areas of public land.

c. Posting boundaries of public land so employees and public alike will know the location of public land.

d. Training employees in basic investigative techniques so when they discover a trespass they will be capable of gathering information and evidence that may not be available later.

e. Developing up-to-date, clearly written manuals and handbooks on applicable laws, regulations, investigative techniques, case preparation, and case processing for use of field employees.

f. Developing a strong public relations program for trespass abatement.

g. Vigorously investigating, prosecuting, and publicizing criminal as well as civil trespass cases.

BLM did this in California in the late 1950's and early 1960's when we were losing more timber from theft than we were from fire, insects, and diseases combined. As a result, timber trespass was reduced by 90 percent.

The same thing was done with the occupancy trespass problems, resulting in the elimination of hundreds of illegal land occupancy problems.

TRESPASS - MONTANA - AL EVANS, DIV. RESOURCES, MT SO

BLM has a good image with the public in Montana. Therefore, we have a generally good interface with users. Most are inclined to try to stay in step with license requirements and/or announced policy.

However, with only a 45 + percent workload capability, we are not able to do a good job of use supervision. Planning and environmental issues receive our greatest efforts in the State and consequently we are not able to address trespass with any real vigor.

In order that a management presence be visible, we have tackled several classic misuse/abuse situations. Examples of these have included:

- Agricultural Trespass - a large dry farm situation on L.U. land
- Coal - a multi-million dollar situation in North Dakota
- Archeology - the Mold arrowhead trespass
- Range - the Bob Miller case (problems with adequate support from Solicitor's office)

We have a couple of new thrusts/ideas under way in Montana in regard to use supervision/authorization/compliance.

- Infra-red photo inventory of trespass as a part of the multi-program inventory done on MFP/ES. Expressed the Stockgrowers' sensitivity to this and their recently expressed concern in regard to our memo to the DM citing 200 \pm potential trespasses in Prairie Potholes.

- Recent interface with Fish and Game Department to start a statewide licensing of outfitters using BLM land. (Director responded to this positively.)

We see management of trespass in two categories:

1. Resource depletion or degradation
2. Social/Political

Wrap-Up or Bottom Line is that use supervision and compliance including the ultimate trespass action are the real image of BLM in the eyes of people out in the public lands States. If we are serious about curing the image problem we all recognize, let us concentrate on more effectively supervising land use -- even if at the cost of other efforts now chartered and burning BLM capability.

Cited the following categories as our assessment of the trespass problem in Montana: (by order of importance)

1. Agricultural trespass
2. R/W trespass
3. Occupancy trespass
4. Resource use trespass
 - a. grazing
 - b. minerals
 - c. recreation (commercial)
 - d. timber
 - e. etc.

TRESPASS - NEVADA - ED EVATZ, CHIEF, DIV. RESOURCES - NV SO

Primary emphasis in Nevada related to trespass is directed at grazing. Unfortunately, the accomplishments, even in this area, are minimal compared to the occurrence of unauthorized use. The reason for this is that month commitments to meet Grazing ES schedule (inventory, planning, ES) does not permit an aggressive trespass effort. This is true even though Congress has provided "add-on" dollars especially for range use supervision, but which have been diverted to the ES effort.

The grazing trespass program relates to violation of use authorizations that, in a sense, encourage trespass (e.g., year-round licenses, staggered

turn-out dates with fluctuating numbers, and general descriptions of areas of use). As a result, identification and follow-up action on trespass is not a simple matter and will commit major manpower efforts.

Unauthorized uses not related to permits, licenses, etc., are occupancy, theft of vegetative plants (cactus and other landscaping plants), and rights-of-way. Of these, occupancy, mostly in connection with mining claims, is the biggest problem. This is a sensitive, politically influenced issue because of public attitudes in Nevada.

Nevada is proceeding well on the UTA effort. More than 50 UTA's were identified since FLPMA. Of these, 32 have been processed and the remainder is expected to be completed this fiscal year.

Not technically a part of trespass, but closely allied, is our effort tied to suspected violations of the Wild Horse and Burros Act. Considerable effort in terms of manpower and dollars has been directed at illegal capture operations and follow-up of adoptions.

Violation of laws related to cultural resources is a common occurrence, but because hunting for artifacts is so widespread, attention is given only to significant violations (diggings or defacing and vandalizing ruins). Even these serious violations are poorly received by the U.S. Attorney in the sense of pursuing legal action.

Trespass Problems in Nevada

1. More attention needs to be directed to designing management systems so as to prevent trespass before it occurs as opposed to abating it. For example, systems such as AMP's, where "all field" people could be the eyes and ears. They could be a big asset in the detection, investigation, collection, and protection of evidence - and notifying other on assistance. Have good working relations - more personal contact. More time on the job.
2. Training on giving testimony. Many of our new employees working on the Planning System during the last 14+ years have not had training in how to give information when being cross-examined.
3. U.S. Attorney will not move on many BLM cases. This requires attention from the top.

TRESPASS - NEW MEXICO - HARLEN SMITH, DIV. TECHNICAL SERVICES - NM SO

All forms of unauthorized use are occurring within the State. The following are some of the larger problems:

1. Residential and agricultural trespass along the Rio Grande involve some 700 parcels of public land. It is estimated that 2100 cases of unauthorized uses are involved. Cadastral survey support is needed in a majority of the cases. Political and cultural influences are very involved since some of the unauthorized uses began prior to 1900.

2. Some 1000 - 1200 residences by Navajo Indians exist on public lands in northwestern New Mexico. Resolution of the problem will be very sensitive and time consuming.

3. An unknown number of occupancy trespasses exist on public lands in Oklahoma. These are being discovered by the opening of a project office in the State. The scope of the problem will not be known until completion of an inventory.

4. In 1978 the Forest Service began implementation of their woodland management which closed many of their firewood areas. Hundreds of people showed up on public lands for their fuel supply. A majority of the people were in trespass. This problem developed so rapidly that most of the unauthorized use had occurred before we could respond to the problem. Cooperation with neighboring agencies is critical in managing uses of public lands.

5. It is estimated that over 1000 miles of oil and gas lines exist without authorization. Industry response to the energy shortage and well-head selling practice promotes rapid installation of these lines. It is profitable to trespass in lieu of waiting for the Bureau's lengthy response to a right-of-way.

Grazing and mineral material continue as trespass problems. These are yearly established problems with grazing trespass showing an increase.

Trespass has to be a part of the daily management of public lands. Authorized use has to be laced through each program to obtain the needed support.

TRESPASS - OREGON -

OR SO

HERB HAGLUND, CHIEF, DIV. RESOURCES

AND

GARY RUNDELL, DIV. RESOURCES

LANDS TRESPASS

1. Mining Claim Occupancy: 150 cases increasing 10 - 15 percent annually; one case in litigation (a landmark in Pacific NW Area for BLM); situation out of control, i.e., beyond present fiscal means to resolve; will launch program FY 1980; possible legislative intervention; is a present issue in media (television, newspapers).
2. Occupancy: 50 - 75 cases; new encroachments (3 - 5 cases annually) occurring; one major case (Culp Cr.) of 10 incidents being resolved.
3. Unauthorized Dumps: Major effort over past 4 years is resolving the problem, i.e., by closing out some, authorizing some, setting up regional sanitary land fills. Mostly an east side problem.
4. Rights-of-Way: Major problem in communication sites; 3 complex cases involving approximately 35 users pending; appraisal of damages very confusing; need guidance or policy in this area. Private road construction is a recurring nuisance.
5. Agriculture: Untold numbers of cases; need an inventory; Agriculture leasing (Sec. 302, FLPMA) will assist in resolving (authority previously not available); need policy guidance, re: leasing (long term). One case in litigation involving land clearing, fencing, etc.
6. Cultural Resource Materials: Surveillance needs largely unmet. Need contracts with State and local enforcement officers as well as more BLM capability. Clarification of the status of the 1906 Antiquities Act and the uses of other statutes will help. One case (theft of Federal property) successfully completed. One case in process. At least dozens of cases of theft and destruction not discovered in time to identify the persons involved.

MINERALS TRESPASS

1. Slab Lava Trespass: Many of the young lava flows of Eastern Oregon having scientific and/or scenic values contain decorative stones and slab lavas of commercial value. So far, the resource conflicts have prompted BLM to segregate over 50,000 acres from mineral location. More demands for such segregation are on the way, even though such segregation

has not stopped lava thefts. BLM has apprehended and successfully prosecuted some of these trespasses in the Diamond Craters area in Burns District and a large trespass case is pending. Establishing strategically located common use areas may be a possible alternative which might reduce theft, give the public a fair market return for exploited public resource, limit surface disturbance to selected areas, and encourage reclamation.

2. Bentonite Trespass: A bentonite deposit is being mined on a large scale in Prineville District under mining claim locations, for the production of cat litter. The bentonite is low grade and does not meet the BLM's locatability criteria. If the material is nonlocatable then it can be sold only under the Materials Sales Act, and the present mining would be a trespass. BLM has initiated actions to challenge the validity of these claims.

3. Unauthorized Removal of Mineral Material by Counties: A number of mineral material pits are being used by County governments in Burns and Lakeview Districts without current authorizations. These trespass situations need to be abated by identifying the Counties' current needs and issuing free use permits.

RECREATION

Commercial river outfitters in some cases (particularly Deschutes River) refuse to obtain necessary river use permits. Many outfitters go along with permit requirements because of need to establish historical use not because of BLM authority to enforce program. The need for penalties (enforcement) for non-compliance of Special Recreation Permits provisions needs Bureauwide clarification.

RANGE MANAGEMENT

In Oregon we have had what could probably be considered an average amount of unauthorized grazing use including some difficult problems that required impoundment, injunctive relief or show cause actions. Our future grazing trespass problems should be reduced due to the new grazing regulations which provide for higher AUM charges for unauthorized use and more rapid enforcement through impoundment and disposal actions. Grazing trespass violation charges are now \$6.76 per AUM for non-wilful violations and twice this amount for wilful violations.

A continuing problem under both the old and new regulations is our ability to provide adequate range use supervision including the identification and counting of livestock to ensure use is consistent with the amount authorized. Trespass control is particularly difficult in our large open range common use areas. We are attempting to resolve the general trespass problems by devoting as much manpower as possible to range use supervision efforts and through our statewide livestock ear

tagging guidelines which were developed in 1977. The ear tagging policy provides that livestock should be ear tagged in areas where unauthorized use is known or suspected to occur and normal use supervision or other practical methods are not adequate to ensure compliance. Under the policy ear tagging is made a stipulation of the license and enforced through provisions of the grazing regulations. Tags and applicators are purchased by BLM and made available to the operator no later than November of the year prior to tagging. Operators are informed of tagging requirements at least 6 months prior to tagging.

Some management and trespass problems are related to intermingled land ownership patterns. This involves many of our Section 15 and O&C lands. In addition to difficulties resulting from intermingled land ownerships, problems also occur due to changes in use areas due to timber age and harvest changes and the temporary availability and non-availability of forage.

Many areas preclude development of intensive management systems unless coordinated plans can be developed involving all land owners and use interests.

We are attempting to resolve these problems by emphasizing the development of coordinated resource management plans, completing land exchanges, issuing exchange-of-use licenses, constructing fences, and, as was the case in Medford, allocating additional manpower to monitor and coordinate grazing use.

TRESPASS - WILDLIFE

Trespass that impacts wildlife habitat includes livestock use of wildlife seedings, use of fenced wildlife enclosures as "holding pens" and horse pastures, vehicular harassment of wildlife on closed winter ranges, or areas closed to vehicles during hunting season, firewood trespass on snags left for wildlife, and lack of access and/or illegal road closures providing access to BLM lands.

Prineville District is currently working on an illegal road closure on BLM lands by a rancher, who in preventing access across his lands is also closing access to BLM lands, and has in the past harassed hunters on BLM lands. This situation is currently under attempted resolution by Prineville.

Baker District Office has a recurring problem concerning access on former public roads now closed by landowner at his property lines in the Pedro Mtn. area. BLM and Department of Fish & Wildlife were going to close area to vehicle traffic during hunting seasons but cooperative agreement fell through, and situation still exists.

Bad access problem on Rudio Mtn. (Burns District) was resolved by new access roads allowing vehicles to get to popular hunting area by going across BLM rather than private holdings.

BLM's network of roads has caused hunter concentration problems, unduly harassing wildlife during hunting seasons. Cooperative agreements with the Oregon Dept. Fish and Wildlife have closed these roads to vehicles only--allowing foot/horse access. These closures are popular, for the most part.

Livestock trespass on critical deer winter ranges both in eastern and western Oregon has been a persistent problem over many years. These trespasses range from Salt Creek and Jenny Creek in southwestern Oregon (Medford) to the Silver Lake deer winter range in southcentral Oregon (Lakeview). In some cases, this includes livestock trespass on new seedings intended expressly for wintering deer (Salt Creek, Medford). Remedial action includes running the livestock off and trespassing the operator, but in most cases, severe damage has been done to the forage before the District is aware of the trespass. Many major big game winter ranges have some degree of livestock trespass occurring during the period of high wildlife use.

ORV harassment of wintering big game animals has been a problem on many winter ranges. Snow vehicle chasing of elk on the Bridge Creek Elk Winter Range (Baker District) resulted in a cooperative closure of that area to all vehicles during the winter concentration period. The area includes some BLM lands and these are closed along with the Oregon Dept. Fish & Wildlife lands.

Harassment occurs on other big game ranges to varying degrees and is a current problem.

TIMBER TRESPASS

1. Federal criminal statutes are not being uniformly and firmly enforced in instances of criminal timber trespass. The FBI is no longer pursuing the prosecution of these cases as vigorously as it has in the past. And the United States Attorney has declined to prosecute some cases because of the minimal values involved.

Section 303(d) of FLPMA authorizes cooperative agreements with local law enforcement agencies for the enforcement of State laws on Federal lands. Such agreements for the enforcement of State criminal statutes, may better serve the Bureau's enforcement policy. They should be considered.

Extending the authority contained in Instruction Memorandum No. 78-163, Signing of Criminal Complaints, to a greater number of employees would relieve this problem also. Signing a complaint would assure prosecution of the case by local agencies.

2. Numerous timber trespass cases arise from unauthorized cutting of firewood on BLM administered lands. The damages BLM is entitled to collect, in such cases, are small, often less than \$400. After various notices and demand letters have been prepared and processed, many of the claims are written off as uncollectible since they cannot be referred for enforced collection. What can be done to reduce these kinds of cases and relieve the administrative burdens that accrue therefrom?

3. If employees could cut firewood on BLM administered lands, BLM would gain a measure of protection from the unauthorized removal of timber from its lands. Some employees would be on the lands outside normal working hours and they could be encouraged to perform a patrol function.

Why can't we take advantage of this opportunity to increase the level of protection of BLM lands?

4. Training of district personnel is underway to improve district timber trespass case processing, investigations, and the likelihood that payment in full will be received and the case closed at the district level.

TRESPASS - UTAH - WARREN BROUGH, CHIEF, DIV. RESOURCES - UT SO

There is increasing trespass occurring in the State of Utah primarily revolving around increase in resource development and minerals industry activity. This activity sometimes affects areas where this development and resource management objectives are in opposition to each other (i.e., Deep Creek Mountains).

The types of trespass occurring in the State are:

1. Mining Claims for use of common variety minerals
2. R/W Trespass: Power lines, oil and gas gathering lines, etc.
3. Grazing
4. Use of Mining Claims to cover other types of development, i.e., lease-able mineral exploration, homesite occupancy, etc.
5. Access Roads - into roadless/wilderness areas, etc.
6. Woodland Products - Christmas Trees, posts, etc.
7. Occupancy Trespass - Homesites, Communication Sites
8. Agricultural Trespass

In Utah the trespass activity actions have had some success in keeping mining and road development into highly significant roadless areas having wilderness values under control through rapid identification and discussion with operators and, when necessary, a threat of injunctive action.

Utah is now requiring R/W for all roads and pipeline construction of lessee's.

There is a shortage of manpower and a lack of priority commitment to handle the Christmas tree, post, and vegetative trespass problems in the State, due to higher priorities specified by the Bureau.

Grazing trespass has received considerable emphasis to get on-the-ground management. Significant trespass actions have been processed this FY (1978) enhanced by tagging programs, closures to contain classes of live-stock, etc.

Needs for Trespass Leadership Conference Considerations:

1. Consider the need to implement enforcement procedures and establish process as authorized under FLPMA, Sec. 303(a), Authority.
2. Consider need for additional flexibility to negotiate settlements.
3. New withdrawals should require gaining agency to assume full trespass responsibility.
4. Dual agency administration needs clarification.
5. Identify priority of trespass in relation to total Bureau priorities.

TRESPASS - WYOMING - PAUL LEONARD, CHIEF, DIV. RESOURCES - WY SO

Wyoming is second in population growth within the United States. This is resulting in an increase in frequency of trespass on the public lands. It may be necessary to place greater emphasis on this program in the future.

Previously, Wyoming has not had a large trespass program due to other priorities such as energy development and work on environmental statements. We anticipate adverse public attitude if we suddenly accelerate the present program and recommend steady growth.

No trespass inventories have been completed, but the following are the major trespass problems in Wyoming:

1. Rights-of-Way: We have an estimated 100 to 200 REA powerlines in trespass. Considerable powerline and pipeline trespass occurs within and around oil and gas fields due to public confusion over the proper means of authorizing such facilities.
2. Considerable trespass of mineral materials is occurring in Wyoming where the Federal government owns only the mineral estate.
3. Wyoming is virtually covered by archaeological sites and this results in significant trespass by pot and arrowhead hunters.
4. Grazing trespass is considerable due to the number of acres managed for grazing in Wyoming. Problems are typical and we have little trouble dealing with grazing trespass.

RESOURCES LEADERSHIP TRAINING CONFERENCE
JANUARY 8-11, 1979

MONDAY, JANUARY 8, 1979

Reports by activities

Representatives from County Service Center and Washington state reported on resource problems associated with their particular activity or institution. (Other no record was made of these activities.)

Management Research - John Mueller, WO-100

Law Enforcement - Pete Sullivan, WO-100

Lands - Mark Williamson, WO-100

Wildlife - Bob Anderson, WO-100

Range - Al Stroud, WO-100

Forestry - Frank Sullivan, WO-100

Recreation/Outdoors - WO-100

Water - WO-100

Fire - WO-100

Cultural Survey - WO-100

Planning - WO-100

Public Affairs - WO-100

SECTION NO. 5

REPORTS BY ACTIVITIES

Sullivan's Office

Paul Dwyer

and Lee

Question and answer session - Sullivan
concerned wilderness study areas.

Sullivan's session concluded with the viewing of the slide program of Oregon's wilderness study areas. Gary Smith of Oregon completed the program.

SECTION NO. 2
REPORT OF ACTIVITIES

RESOURCES LEADERSHIP TRESPASS CONFERENCE
JANUARY 8-12, 1979

MONDAY, JANUARY 8, 1979

Reports by Activities

Representatives from Denver Service Center and Washington staffs reported on trespass problems associated with their particular activity or function: (Note: No record was made of these comments.)

Management Research - John Moeller, WO-540
Law Enforcement - Pete Silvain, WO-442
Lands - Matt Millenbach, WO-322
Minerals - Bob Anderson, WO-723
Range - Al Strobel, DSC-330
Forestry - Frank Schiller, WO-340
Recreation/Cultural/Wilderness - Bill Brown, DSC-370
Watershed - Ken Walker, WO-350
Fire - Fred McBride, WO-440
Cadastral Survey - Roger Barron, WO-420
Planning - Jim Colby, WO-220
Public Affairs - Dan Alfieri, WO-130

Solicitor's Office:

Paul Smythe
Ken Lee

Question and Answer session - mostly
concerned wilderness study areas.

Monday's session concluded with the viewing of the slide program of Oregon's occupancy trespass situation. Gary Rundell of Oregon conducted the program.

RESOURCES MANAGEMENT THREATS CONFERENCE
JANUARY 8-12, 1973

MONDAY, JANUARY 8, 1973

Reports by Activities

Representatives from Denver Service Center and Washington staffs reported on progress problems associated with their particular activity or function. (Note: No record was made of these comments.)

Management Research - John Mueller, WO-540
Law Enforcement - Peter Silvers, WO-441
Lands - Matt Hildesheim, WO-313
Minerals - Bob Anderson, WO-712
Range - Al Strohbe, WO-330
Forestry - Frank Mueller, WO-340
Recreation/Cultural/Wilderness - Bill Brown, WO-370
Waterbeds - Ken Walker, WO-150
Fire - Fred McElroy, WO-140
Cadastral Survey - Roger Easton, WO-410
Planning - Jim Cole, WO-130
Public Affairs - Don Alford, WO-120

Solicitor's Office

Paul Davis
Ken Lee
Question and Answer session - mostly
concerned wilderness study areas.

Monday's session concluded with the viewing of the slide program of Oregon's occupancy frequency situation. Gary Randall of Oregon conducted the program.

WORK GROUPS -- COMPOSITION AND SPECIFIC OBJECTIVES

TUESDAY, JANUARY 9, AND WEDNESDAY, JANUARY 10, 1979

Work groups met in alternate rooms at the Interior Building as follows:

(1) Wildlife Chairman

Interagency Coordination Work Group

- | | |
|---|-------------------------------|
| (a) Warren Brown, Swan | Max Brown, Tooele, Arizona |
| Will Malenich, Nevada | Al O'Connell, DSO-120 (Range) |
| Pete Silvestri, W-122 (Law Enforcement) | Tom McMillan, W-121 (Range) |

Specific Objective: Discuss and develop a program for coordination of programs within (and outside) the agency establishing levels of responsibility.

SECTION NO. 6

WORK GROUPS -- COMPOSITION AND SPECIFIC OBJECTIVES

Training Work Group

- | | |
|---------------------|------------------------------|
| (a) Don Nelson, D/F | Alan Thomas, Volcano, Calif. |
| Jim Powell, D/F | Robert Spickard, W-122 |
| | (Training) |

Specific Objective: Identify training needs and develop an effective training outline.

Public Awareness Work Group

- | | |
|--|-----------------------|
| (a) Don Alford, W-130 (Public Affairs) | Frank Schiller, W-140 |
| W. Roy Allen, Alaska | (Forest) |
| Mike Ross, Colorado | Paul Herndon, W-130 |
| Ray Smith, W-1 | (Public Affairs) |

Specific Objective: Establish procedures for public awareness and monitor that will prevent or control trespass.

Setting Priorities Work Group

- | | |
|-----------------------------|---------------------|
| (a) Bill Lebrun, W-10 | Ann Walker, W-11 |
| Edna Pennington, Wyoming | (Unassigned) |
| Jim Lally, W-120 (Planning) | Agar Dixon, W-120 |
| Mark Haglund, Oregon | (Cedential Service) |
| Steve Little, W-130 (Range) | |

SECTION NO. 8

WATER SAMPLES — COMPOSITION AND SPECIFIC GRAVITIES

WORK GROUPS - COMPOSITION AND SPECIFIC OBJECTIVES

TUESDAY, JANUARY 9, AND WEDNESDAY, JANUARY 10, 1979

Work groups met in separate rooms in the Interior Building as follows:

(c) Denotes Chairman

Trespass Coordination Work Group

(c) Warren Brough, Utah	Max Bruce, Yuma, Arizona
Bill Malencik, Nevada	Al Strobel, DSC-330 (Range)
Pete Silvain, WO-442 (Law Enforcement)	Fred McBride, WO-441 (Fire)

Specific Objective: Discuss and develop a program for coordination of trespass within (and outside) the Bureau, including establishing levels of accountability.

Training Work Group

(c) Don Halsey, BIFC	Alan Thomson, Folsom, Calif.
Jim Powell, ESO	August Spector, WO-533 (Training)

Specific Objective: Identify training needs and develop an effective trespass training course outline.

Public Awareness Work Group

(c) Dan Alfieri, WO-130 (Public Affairs)	Frank Schiller, WO-340 (Forestry)
Lee Roy Allen, Alaska	Paul Herndon, WO-130 (Public Affairs)
Hans Hess, Colorado	
Ray Arndt, ESO	

Specific Objective: Establish procedures for public awareness and measures that will prevent or curtail trespass.

Setting Priorities Work Group

(c) Dick LeDosquet, BIFC	Ken Walker, WO-350 (Watershed)
Dave Pomerinke, Wyoming	Roger Barron, WO-420, (Cadastral Survey)
Jim Colby, WO-220 (Planning)	
Herb Haglund, Oregon	
Dave Little, WO-330 (Range)	

Specific Objective: Identify and recognize priority trespass items throughout the Bureau. Given our heavy workload coupled with limited funds and manpower, what kinds, and how much, trespass work should we do?

Policy Development Work Group

(c) Curt McVee, Alaska	Mat Millenbach, WO-322
Glenn Collins, Arizona	(Lands)
John Birch, California	Bob Anderson, WO-723
Marv Pearson, Colorado	(Minerals)
Lorin Welker, Idaho	Bill Brown, DSC-370
Al Evans, Montana	(Recreation)
Ed Evatz, Nevada	
Harlen Smith, New Mexico	
Wayne Boden, Oregon	
Mel Staheli, Utah	
Paul Leonard, Wyoming	
Dave Lodzinski, Eastern States Office	

Specific Objective: Identify the need for and develop policy, procedures, and guidelines for an effective Bureau trespass program.

Note: This work group was divided into three subgroups:

Policy overview, renewable resources, and non-renewable resources.

Other

Frank Shields (WO-321) and Gary Rundell (OR-930) worked with all of the work groups. Several other Washington Office staff people were available to the work groups on an "on-call" basis.

THURSDAY, JANUARY 11, 1979

The day was spent reconciling the work group reports.

FRIDAY, JANUARY 12, 1979

Work group leaders presented a brief summary of their group's findings and recommendations. Director Gregg attended a portion of the session along with other members of the Directorate. The conference was adjourned at 10:10 am.

The complete work group reports follow:

SECTION NO. 7

WORK GROUP REPORT - TRESPASS COORDINATION

RESOURCES LEADERSHIP TRESPASS CONFERENCE

January 12, 1979

Summary Report by Trespass Coordination Work Group

The group made several assumptions, one being that there would not be any additional funding or increase in manpower to accomplish a trespass program. Based on the above assumption and the fact that "trespass prevention and abatement is an important responsibility of all employees at all levels", the group concluded that an effective trespass program could be established with proper planning and leadership.

Recommendations include the following:

1. Trespass be given recognition as an important program with each activity contributing findings to the program.
2. Coordination is an important component of any trespass program, both within the Bureau and with other agencies.
3. That a full time Trespass Coordinator position be established in the Washington Office. That a person be identified as having trespass coordination responsibilities in each State Office and District Office.
4. Specific roles are itemized for office managers and office trespass coordinators in the Washington Office, State Offices, and District Offices.

RESOURCES LEADERSHIP TRESPASS CONFERENCE
January 12, 1979

REPORT BY
TRESPASS COORDINATION WORK GROUP

The history of human relations within our society is largely a process of balancing, adjusting, and making decisions on authorized uses. This is usually achieved by agreement, or through administrative and/or legal processes.

There have been times when individuals or groups have abandoned these orderly procedures and have resorted to trespass including the destruction of resource values and government property. Illegal actions including the alleged violations reported by the public cannot be condoned, whatever may be the objective or provocations of those engaging in them. Moreover, uncontrolled trespass does not solve problems; it only sows seeds for future disorders.

The prevention of trespass is one of the important responsibilities of field employees and requires management attention and direction.

A. Assumptions:

1. No additional funds or manpower will be available except thru in-house adjustments.
2. Technical Guidance should be retained as the responsibility of the program activity.
3. Program/Budget funding justification will be developed by the Parent Activity and consolidated thru the trespass coordinator.
4. More emphasis will be placed on prevention of trespass.

B. Major Trespass Components:

1. Policy:

- a. Review current policy
- b. Develop policy in accordance with legal requirements
- c. Prepare policy implementation plans
- d. Match program implementation to capability
- e. Evaluate effectiveness
- f. Determine legislative needs
- g. Recycle policy

2. Budget:

- a. Determine capability
- b. Determine requirements
- c. Program needs
- d. Set priority

3. Prevention:

- a. Plan
- b. Process all cases timely
- c. Design management systems with trespass prevention included
- d. Public education (user groups)
- e. Get people in the field
- f. People to people contact one on one
- g. Public involvement in operation
- h. Align actual use to management and legal authorities
- i. Keeping public and users knowledgeable of changes
- j. Insuring administrative procedures are logical, practical, enforceable
- k. Broaden employee to multi-use

4. Detection:

- a. Educate employees on responsibility
- b. Educate employees on how to do
- c. Educate user groups
- d. Get people in field

5. Abatement:

- a. Identify unauthorized use
- b. Report to line office
- c. Gather and protect evidence
- d. Evaluate evidence
- e. Legal review
- f. Obtain line decision
- g. Prepare trespass notice - obtain warrant - arrest
- h. Process documents
- i. Refine evidence
- j. Case follow-up
- k. Case close out (settlement)

C. Major Coordination Points:

1. BLM activity coordination

- a. W.O. role

(1) Assign an overall W.O. Trespass Coord. (Single Hat - Full Time)

- (2) Each W.O. Division affected by trespass will assign a responsible person as focal point
- (3) Update delegation (701 as amended)
- (4) Prepare or update overall policy and direction
- (5) Determine areas of emphasis and secure management commitment to trespass. By I.M. - A.W.P. advices - etc.
- (6) Establish program emphasis by weighted activities needs

b. S.O. role

- (1) Assign an overall State Office Trespass Coord.
- (2) Assign a focal point or contact in each affected activity
- (3) Update State delegation (701 as amended)
- (4) Translate policy and direction to fit State situation
- (5) Facilitate management commitment and activity needs for Districts
- (6) Evaluate effectiveness

c. D.O. role

- (1) Decisions for trespass issuance made only by line officers
- (2) Assign a Trespass Coord. (Dual or full time position as workload requires)
- (3) Provide support to Area office
- (4) Maintain awareness of Trespass Program among Dist. Personnel

d. A.O. role

- (1) Decision for trespass issuance made only by Area Manager
- (2) Area Manager designates responsibility for each action or case
- (3) Detect and implement case actions
- (4) Area Manager requests special assistance as needed

2. BLM/Other Agency Coord. (Federal/State/Local)

D.O.D. - U.S.G.S. - B. Recl. - F.W.S. - F.S. - D.O.E. etc.

- a. Require review of Memorandum of Understanding or agreements to determine adequacy for Trespass Coord. and revise as necessary

3. BLM/Sol./Justice Dept. coordination

4. BLM line officer coord.

- a. Training
- b. Position description
- c. Workshops

D. Role of Trespass Coord. - W.O. and S.O Level

The role of the Trespass Coordinator is to:

1. Maintain an awareness of the Trespass Program at all Bureau levels
2. Be the specialist in procedural processes that are common to all activities
3. Be the line officers' staff representative for total trespass coordination within the office for all activities
4. Coordinate Budget/Program/AWP needs and prepare consolidated trespass proposals
5. Identification of opportunities and need for M.O.U. or coordination with other agencies
6. Analyze existing coordination efforts and recommended corrective actions
7. Identify needs and opportunities for public relations efforts in trespass
8. Analyze magnitudes and trends in trespass for line management and recommend course of action
9. Identify training needs

E. Organizational Location of Trespass Coord.

1. W.O. Headquarters

Options:

- (1) Deputy Director for Lands and Resources
- (2) Deputy Director for Services (Not a sub-part of Law Enforcement) (Law Enforcement could be a sub-part of this organization)

Recommendation: These two options are the logical placement for this position and it could function effectively in either place. Management Research would analyze, evaluate, and recommend final placement within these two options.

2. Service Center:

No position recommended -

Rationale: Because the Technical direction will be developed by

each activity and general procedural direction requirements should be minimal, a position at this location should not be necessary at this point in time.

3. State Office:

Vertically aligned with W.O. - Full Time Position not necessary - Dual Position role.

4. District Office:

Assign a focal point as appropriate within present staff (Dual Position role)

F. Follow-up Assignments (For Trespass Coordination)

1. W.O. Division of Management Research for Organizational Placement recommendation - Decision by Director (W.O. Mgt. Research - 540)
2. Brief State Directors - (Directorate)
State Directors recommend level of management, commitment, and priority
3. Review and Update Written Directions
i.e. Manuals, I.M.'s etc. (Approp. Divisions & Tres. Coord. W.O.)
4. Field Organizational Assignments (State Directors)

12-11-1972

Training Report by Training Work Group

Specimens are being made identifications. This includes identifying all known and unknown persons and the purpose is to determine if any persons are involved in the activities of the group. The results of this work should be placed in the file.

TABLE OF CONTENTS

I. Introduction and Background

II. Description of Group

III. Action Plan to Develop Training

IV. Provisional and Tentative Training

V. Training Objectives

VI. Method of Training

VII. Appendix

A. Goals

B. Job Performance Goals

C. Action Plan

SECTION NO. 8

WORK GROUP REPORT - TRAINING

SECTION NO. 8
WORK GROUP REPORT - TRAINING

RESOURCES LEADERSHIP TRESPASS CONFERENCE

January 12, 1979

Summary Report by Training Work Group

Trespass training needs identification. This includes training all Bureau employees and the public to an awareness level. Bureau employees having specific trespass responsibilities should be given intensive training in all phases of trespass. Emphasis should be placed on prevention.

TABLE OF CONTENTS:

- I. Findings and Recommendations
- II. Description of General Outline Matrix
- III. Action Plan to Develop Employee Awareness Training
- IV. Specialist and Technician Training
- V. Trespass Coordinator
- VI. Needed Followup
- VII. Appendix
 - A. Matrix
 - B. Job Performance Items
 - C. Action Plan

RESOURCES LEADERSHIP TRESPASS CONFERENCE

January 12, 1979

Report by Training Work Group

I. Findings and Recommendations:

The tasks of the Training Work Group were to:

Identify training needs.

Develop an effective trespass training outline. Actions recommended are presented in this report. Supportive work, action plan detail, and premises are included in the part VII - Appendix and help interpret the scope of the recommended actions.

Training needs identification. The general outline matrix (See VII, Appendix A) was developed to indicate those groups involved in trespass prevention, detection, investigation, and case processing (the public, employees, specialist/technicians, coordinators, special agents) matched with skills/knowledge complexity levels. The matrix indicates the type of people to be trained at each skill/knowledge complexity level. It indicates the magnitude of the training needed. In developing the matrix, broad work aspects of prevention, detection, investigation, and case processing were defined in terms of job performance (See VII, Appendix B). Performance requirements were then broadly stated by each of these job performance areas for each strata of employee. We recommend all employees receive an awareness level training of trespass, while those employees in specialty areas should receive more detailed job related training. Some indication for national trespass training is in evidence, but this training does not have to be given in the traditional classroom manner. Instead, it is recommended that specialty trespass training be conducted through self-study and on-the-job training technology designed to address specific requirements of job performance.

The organization structure which enables the suggested training approach requires a trespass coordinator at the National, State, and District Office levels. The broad job performance responsibilities of the Coordinator are suggested in VII, Appendix B.

Things to do in more detail to enable the training approach include the following recommendations:

A. Policy direction in the form of updated manuals and authority delegations.

B. Description in detail of job performance requirements at each employee stratification level.

C. Development of a Trespass Investigation Guide which provides field personnel with the how to and the principles of general trespass prevention, detection, investigation, and case processing. This guide to be a self-study training device with job performance aids.

D. Development of Trespass Abatement Self-study Texts for each specialty trespass area, i.e., mining claim occupancy, timber, coal, and rights-of-way. These Abatement Texts are to be self-study training courses/lessons with job performance aids, workbook modules, etc.

E. Development of public awareness/support/participation.

F. Development of general employee awareness training.

To implement the above training approach, specific action plans are in VII. Appendix C.

The training approach develops a broad general awareness-type training for all employees. After this initial training, those employees dealing in the specialty areas (range, forestry, minerals, etc.) will be given a Trespass Investigation Guide. This Guide will act as a self-instructional device as well as a reference guide to general and more basic and common trespass issues. After taking this, employees needing specific training in particular specialty areas will be given specialty area (range, forestry, etc.) training through a series of self-study and on-the-job training course modules (Trespass Abatement Text). These modules would give specific training in particular trespass issues related to a specialty area. The uniqueness of the modules are twofold: (1) job performance aids would be supplied to assist the employee in making decisions as well as reminding him/her of procedures and (2) the employee and supervisor would act as a team in the teaching/learning process. For our Special Agents, intensive trespass training via self-study and classroom instruction would be developed.

During the existing FY, a week long Bureauwide trespass training course has been indicated in the AWP for April 1979 (rescheduled for November 1979). It is proposed that this course be held for a select group to (1) develop the trainees' basic level of skills and knowledge in general trespass prevention, detection, investigation, and case preparation through interaction with special agents, (2) provide detailed specialty training by resource specialists in trespass guide, (3) develop a draft trespass guide, and (4) draft a specialty text for trespass specialty areas. This course would be considered not only training but a workshop. The draft materials developed would eventually be incorporated into BLM manuals in FY 80. It is suggested that Le Roy Allen, Jr., and Gary Rundell act as key people to coordinate this workshop session.

II. Description of General Outline Matrix - (See VII, Appendix A)

The following strata of people are involved in trespass:

- A. The Public
- B. Every BLM Employee
- C. BLM Specialists and Technicians
- D. Trespass Coordinators
- E. Special Agents

The matrix demonstrates a need for an increased intensity of training in the vertical columns from left to right. All employees should be able to define and record all types of trespass (Column #1). The Trespass Coordinators and resource specialists should be cognizant of basic trespass investigation techniques and know how to develop a case (Column #2). The trespass coordinator and the individual resource specialists should know how to apply special techniques applicable to trespasses involving his specialty (Column #3). Recognizing that criminal investigation and law enforcement is not his bag, the resource specialist requests the assistance of the special agent (column 4).

III. Action Plan to Develop Employee Awareness Training

In order to increase the awareness and expertise of BLM employees, the trespass training group recommends the following:

A. Develop a Bureauwide training package to be distributed to the States in FY 1980.

B. The State and District Offices will utilize the package to develop an internal trespass orientation program for all State employees.

Basic Employee Awareness

Problem: Employees at all levels are not adequately aware of basic trespass prevention and detection procedures or employee responsibilities.

Discussion: Employees lack understanding of the overall trespass problem and how it relates to BLM programs. Specifically are unaware of BLM land location; rudiments of permit system; familiar with trespass laws and consequences of violation; awareness of basic trespass prevention and detection; know how to report suspected trespass and their responsibilities in trespass abatement/detection.

Solution: Develop Bureauwide Employee Trespass Awareness Training Program to be incorporated in Bureau orientation program. A National AV/TV basic awareness training package be developed by Bureau Training Committee; S.D. implement national program add particular State emphasis; D.M. emphasize District trespass problems to employees. Responsibility in State for awareness implementation is S.D./D.M. through State Training Officer, Resource Chiefs, Trespass Coordinator, Public Affairs.

IV. Specialist and Technician Training

Training for the specialist and/or technician will be developed in two stages:

The first will include: (a) a basic trespass guide; (b) a basic trespass self-study course; and (c) an evaluation system which will be used by all specialists/technicians.

The second will be: (a) a detailed self-study text for each discipline, including illustrative samples, cases, job performance aids, etc.; (b) a standard format for structured OJT for individual specialists; (c) an expanded structured OJT plan for the individual specialist (based on his individual weakness); and (d) an evaluation/feedback system.

Stage one is designed to give the specialist a good understanding of trespass principles and procedures (includes prevention, detection, investigation, and processing). The second stage will ensure the specialist of working knowledge of trespass abatement. This training period is expected to last 6 to 9 months but not in a classroom mode; instead, on-the-job training.

Specialist/Technician Training

Problem: Resource Specialists/Technicians have inconsistent and inadequate training in trespass prevention, detection, case investigation, and case processing. Inadequate guidance is available in laws and BLM procedures.

Discussion: Employees lack specific knowledge of BLM procedures, laws, direction as these relate to trespass in specific resource areas and the skills to implement them.

Solution: Develop a guidebook and self-study training courses for resource specialists/technicians in trespass. Publish a guide-reference book for Spec./Tech. consisting of universal trespass procedures and typical model cases/solutions. Publish series of structured self-study OJT modules in each resource area. OJT modules to be utilized on a District/Area Office Specialist level. Supervisor to have responsibility of implementing OJT with individual employees.

V. Trespass Coordinator

The Coordinator will receive the same training as the Specialist plus Bureauwide classroom training in the trespass program coordinator responsibilities. PIPR forms for each Trespass Coordinator will indicate the critical job elements as well as standards/objectives for the Coordinator.

VI. Needed Follow-up:

Develop job performance requirements

Describe the job

Develop trespass organization/responsibility (WO, SO, DO)

Develop/update manuals/policy direction

Develop priorities guidelines (SO/DO)

Develop training approach self-study/OJT

- Public Awareness - P.A. and Resource Divisions
- Employee Awareness - Training and Resource Divisions
- Field Office level - Trainign, law enforcement, and resource areas.

Part I - Employee Awareness

Part II - General self-study course based upon basic trespass principles.

Part III - Structured OJT for specialists based upon Bureau's standards, self-study, and supervisory input. Add dev. cases, compliance, and custodianship of resources.

Coordinator/Manager - WO/SO -- training and resource area and law enforcement.

Periodic update for National training

TRESPASS TRAINING GENERAL OUTLINE MATRIX

	Colmn 1	Column 2	Column 3	Column 4
NEEDS	Awareness & Report	Basic inves- tigation Principles: How To Develop Trespass Cases	Specialty Investigation: Range, Forestry Lands, etc.	Intensive Criminal Investigation Law Enforcement
1. Public	X			
2. Every employee	X			
3. Specilists/ Technicians: (Foresters, Range Cons., Realty, etc. and others, e.g. Range Riders, etc.)	X	X	Only your Field, i.e., Forester: Timber Trespass	
4. Trespass Coordinator- Focal Point	X	X	X	
5. Special Agent	X	X	X	X

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VII Appendix
B. Job Performance Items

1. BROAD WORK ASPECTS
JOB PERFORMANCE ITEMS
(Correlate with Matrix)

Prevention

Trespass analysis (inventory, determine priorities and trends, impacts of further processing the case)

Design remedies in terms of: Trespass Action Plan

- Design public awareness/support
- Active patrol of lands, air photos, etc.
- Temporary closure, permits
- Marking boundaries
- Inform and train employees

Detection of New Cases

- Perform active patrol of lands and establish patrol procedures
- Enlist public support
- Compliance checks during normal supervision of land
- Interface with other agencies and land owners in detection

Investigation

- Establish jurisdiction
- Know laws, rules, regulations, and elements of trespass
- Collect evidence
- Determine trespasser
- Circumstances of act (civil/criminal)
- Assess damages

Processing Case

- Transmit case to State Office
- Know specialty areas (grazing, minerals)
- Testify in Court
- Locate witnesses
- Serve notice of trespass
- Coordinate with Solicitor and U.S. Attorney

2. PUBLIC AWARENESS
Job Performance Items
(Correlate with Matrix)

Prevention

1. Know overall trespass problems:
 - a. The big picture
 - b. BLM program and how trespass is involved.
2. Know where BLM land is located.
3. Know about permit system.
4. Know and support trespass action plan.
5. General knowledge of laws and consequences of violation as these relate to District problems.
6. Know what BLM is doing about the trespass problem.
7. Eliminate disincentives to public participation in program and barriers to participation.

Detection

1. Know how to report suspected trespass (and BLM should develop means of accepting calls).
2. Other land owners (Government and private) work together - know how to and develop means for this to happen.

VII Appendix
B. Job Performance

3. GENERAL EMPLOYEE AWARENESS

Job Performance Items
(Correlate with Matrix)

Prevention:

1. Copy from Public Awareness sheet.
2. " " " " "
3. " " " " " Point public in right direction.
4. " " " " "
5. Know/support Action Plan as it relates to prevention.
6. Copy from Public Awareness sheet.
7. Be familiar with District MFP.

Detection:

1. Know how to report suspected trespass.
2. Work together with other land owners and develop a means for this to happen.
3. Know how to receive a trespass report. How to document basic information reported by public/other employees. Possibly use techniques used by police departments.

4. SPECIALIST

(Forester, Realty Specialist, Range Con., Geologist, etc.)

Job Performance Items
(Correlate with Matrix)

Prevention:

1. All of Public and Employee Awareness plus:
2. Inspection area:
 - a. Assist coordinator in inventory via planning system.
 - b. Assist in trespass analysis to determine problems, sequencing, etc.
 - c. Assist in developing prevention component of Action Plan.
 - d. Implement (by Plan & Participants) prevention program.
 - Public awareness/support
 - Patrols
 - Closures/permits, etc.
 - Assist in training subordinates.

Detection:

1. All of Public and Employee Awareness plus:
2. Patrols
3. Compliance checks
4. Normal supervision of land.
 - a. Detect any suspected (actual or potential trespass with district.
 - b. Interface with cooperators.

Investigation:

1. Perform unofficial surveys in accordance with U.S. Survey Manual of Instruction.
2. Applies laws of trespass to verify actual trespass.
3. Conducts preliminary trespass investigations.
4. Write and issue Notice of Trespass.
5. Conducts trespass investigation within specialty when assigned.
6. Determine damages (volume/value) re: specialty.
7. Recommend/coordinate termination of trespass. Include billing and other administrative action.

Processing (this refers to case processing and litigation):

1. Makes appropriate recommendations in accordance with investigation findings.
2. Transmits case to higher authority.
3. Assist Solicitor/U.S. Attorney regarding trespass case file and investigation details.
4. Testify in Court.

5. TRESPASS COORDINATOR/MANAGER
Job Performance Items
(Correlate with Matrix)

1. Provides staff assistance and technical support/guidance.
2. Performs lead role in developing priority of cases/procedures and establishes reporting system.
3. Prepares program package section of the AWP.
4. Conducts final review of cases for accuracy and compliance with standards. Makes recommendation to Director/SD.
5. Acts as prime contact/liaison between WO/SO and DO/AO and all resource and functional areas.
6. Develop staff to be able to perform their respective roles.
7. Acts as prime contact/liaison with Solicitor's office/State and Federal agencies.
8. Develops/maintains trespass prevention and public awareness/support programs.

Prevention - all of Public and Employee Awareness plus:

1. Coordinate inventory via planning system.
2. Trespass analysts to determine problems and recommend sequencing, priorities, etc.
3. Develops Action Plan, prevention component.
4. Coordinate implementation of prevention program. Refer to Prevention under Specialist category.

Detection - All of Public and Employee Awareness plus:

1. Coordinates Detection Action Plan implementation.

Investigation:

1. Coordinates investigations and development of case files and records. Ref. Investigation Specialist.
2. Refer to general responsibilities of Coordinator/Manager.

Processing:

1. Coordinates case processing.
2. Refer to general responsibilities of Coordinator/Manager.

6. SPECIAL AGENT
Job Performance Items
(Correlate with Matrix)

1. Ref. responsibilities of Special Agents re:

Investigation

Federal Laws

Rules/Regulations

OBJECTIVE (WHAT): _____

APPROXIMATE MANHOURS: _____

MEASUREMENTS (WHAT): _____

APPROXIMATE COSTS: _____

COMPLETION DATE (WHEN): _____

Work Steps (How)	Who Does It	Approx. Costs		Begin When	Finish When	Expected Results - What Will This Step Do?	Actual Results- What Did It Do?
		Man-Hours	Travel Costs				
--							
Identify individual who will write Basic Guide	S.D.				FY 79	Identify individual specialists, etc. and Resource Guidebooks for FY 80	
Train above individuals in Basic Trespass 9260-2	WD-442 Special Agents				FY 79 April 2-6	Train people. Refinement of what goes into basic guide. Train writers in trespass	
Enter into AWP Task Force for writing Basic Guide and Resource Guidebook for FY 1980. Identify individuals in AWP and include in individual's PIPR.	S.D.				FY 79/80		
Enter into AWP for FY 1980. Money for contracting self-study training course.	Resource Division WO-533	\$15,000	Contract		FY 79		

ACTION PLAN
Employee Awareness

<u>Steps</u>	<u>Who</u>	<u>Cost</u> MM \$	<u>When</u>	<u>Result</u>
1. Recommend to Training Committee a course	F. Shields		FY 79	Step 2
2. Develop Bureauwide Training Package to be handed off to States. To be Slide Tape/Video Tape.	<u>Bureau Training Committee</u> - review & develop by Public Affairs, all resource areas & training.	2-3 \$5000 Contract	Approved by T.C. for funds FY 79 Implement FY 80	To inform all employees of Basic Trespass (Concepts in attached work-sheets) and support trespass program & participate in it.
3. S.O. utilize W.O. program (2) and orient all State employees - State to develop internal trespass orientation program.	<u>State Director</u> - State Trng. Officer assisted by Public Affairs and all resource areas.	1	Implement FY 80 (During group orientation)	Above
4. D.O. utilize W.O. & S.O. (#2 & #3) programs and orient all employees to develop internal trespass orientation	<u>District Manager</u> - AM - Public Affairs - Resource Areas	2	FY 80	Above - Detail on district level

Note: Items in Employee Awareness work sheet to be included in above package.

ACTION PLAN

Specialists

<u>Steps</u>	<u>Who</u>	<u>Cost</u>		<u>When</u>	<u>Result</u>
		MM	\$		
Part II					
1. Dev. Basic Trespass Guide (Ref. Part II)	Sp. Agts., Res., Training	5		FY 79 - Draft FY 80 - Final	Basic Trespass Guide (Ref. Document)
2. Develop Self-study Basic Trespass Course (Ref. Part II)	Training WO, Sp. Agts., Res.	2	DM Contract	FY 80	Part II Self-study Course Specialist will have a working knowledge of trespass principles & procedures.
3. Develop Evaluation & Feedback Approach	Training WO			FY 80	1. Det. effectiveness of training. 2. Update training. 3. Basis for developing OJT Part III.
Part III					
1a. Develop self-study (illustrative samples, cases) guides for each discipline, i.e., lands, for., etc.	WO Res., Training, Res. Spec., Field Level	10		FY 80	1. Reference 2. Aid job development
1b. Develop standard format for structured OJT for individual specialists.	WO Training, Res. Spec., Spec. Agts.			FY 80	Guide to develop individual OJT Plan.

C. Action Plan

C. Action Plan

VII Appendix

ACTION PLAN

Specialists (cont.)

<u>Steps</u>	<u>Who</u>	<u>Cost</u>		<u>When</u>	<u>Result</u>
		MM	\$		
2. Develop an expanded structured OJT plan for individual specialists.	DM, AM			FY 80 & Next two years	Working skills & knowledge regarding trespass abatement.
3. Develop evaluation & feedback approach	WO Training			FY 80	1. Determine success of training. 2. Determine current deficiencies & expand training plan of individual. 3. Can update training program.

January 11, 1966

Summary Report by Public Awareness Work Group

The public affairs program of the EPA is designed to provide information to the public on public lands.

Responsibility is largely a positive responsibility, and the public awareness program is largely a positive program.

Through policy and direction by the EPA, public affairs staff, a public affairs plan will be developed to inform the public of laws and regulations, action taken by the agency, and inform the public of regulatory action and progress.

Additional direction is needed but no new policy is required to develop a public affairs program.

SECTION NO. 9

WORK GROUP REPORT - PUBLIC AWARENESS

Goal

How

When

Who

What

1. Increase the number of high school seniors who graduate from high school.

2. Increase the number of high school seniors who graduate from high school.

3. Increase the number of high school seniors who graduate from high school.

4. Increase the number of high school seniors who graduate from high school.

5. Increase the number of high school seniors who graduate from high school.

6. Increase the number of high school seniors who graduate from high school.

7. Increase the number of high school seniors who graduate from high school.

8. Increase the number of high school seniors who graduate from high school.

SECTION 10.1

WISCONSIN DEPARTMENT OF EDUCATION

9

RESOURCES LEADERSHIP TRESPASS CONFERENCE

January 12, 1979

Summary Report by Public Awareness Work Group

The public affairs program is the key element to effectively prevent trespass on public lands.

Trespass is largely a public relations problem. Making the public aware of trespass is the responsibility of every employee.

Through policy and direction by W.O. public affairs staff, a public affairs plan will be developed to inform the public of laws and regulations, define specific trespass problems, and inform the public of regulatory issues and purpose.

Management direction is needed but no new policy is required to develop a public affairs program.

RESOURCES LEADERSHIP TRESPASS CONFERENCE

January 12, 1979

Report by Public Awareness Work Group

INTRODUCTION:

A good public affairs program is a key element to effectively prevent trespass on public lands.

A Public Affairs Program would provide input into the conduct of Bureau cooperative relations programs with the District and State Office. It would provide for a more cooperative relationship for the Director and State Directors with members of Congress, other Federal, State, and local agencies, and advisory groups. It would disseminate compliance information and coordinate this action in a timely manner.

Trespass is largely a public relations problem. It is estimated that a large percentage of the trespass cases handled by the Bureau results from ignorance. Ideally, an effective program to inform the public about the regulations pertaining to the use of the public lands would significantly reduce the number of trespass cases.

In addition to this, providing information to the public should also create a more favorable climate for the prosecution of hardcore offenders and for the removal of those who have occupied public lands without proper authorization.

Making the public aware of trespass problems is the responsibility of every BLM employee. The office of Public Affairs is responsible for providing proper support to other employees in the form of literature, slide shows, TV, and radio spots, etc.

Efforts to inform the public are most effective when they are preceded by efforts to resolve trespass problems. We may also expect efforts aimed at preventing trespass to be more effective than efforts to patch up the Bureau's image after we have had a bad press in the wake of an eviction or other trespass action.

I. OBJECTIVE:

Establish procedure for public awareness within each Resource Program that include measures for the prevention and curtailment of trespass.

II. GOALS (policy):

By function establish the following:

III. PROCEDURES:

A. Identify legal authority and legal requirements.

- B. Define the specific trespass problems.
- C. Identify the publics affected and determine characteristics of each group.

- 1. Inform the public of the regulatory issues.

- 2. Purpose.

IV. MEASURES:

Specify appropriate techniques for reaching each group. Examples of available measures:

- A. News releases and feature articles
- B. Pamphlets - Develop brochures containing guidance for when permits are issued for use of lands and resources
- C. Public meetings
- D. TV and Radio
- E. Personal contacts with news media, opinion makers, local politicians.
- F. Coordination of Federal, State, and local groups.
- G. Public survey or opinion polls
- H. Congressional Liaison
- I. Prepare brochures concerning affected function, i.e.;
 - 1. Recreation site regulations
 - 2. Mining claim regulations
 - 3. Antiquity regulations
- J. Publicize successful trespass abatements.
- K. Participate in local, State, national meetings, which pertain to special interests.
- L. Posting of large blocks of public land and sensitive/high value areas.

V. RESPONSIBILITIES:

A. Director:

- 1. Prepare guidelines for the implementation and accountability of the public awareness programs.

2. State Directors should be encouraged to identify sensitive and/or potential trespass problems. Corrective measures should be identified and implemented that best meet local situations.

B. State Director:

1. State Director should assure that proper procedures are implemented and competent people are instructed in the dissemination of information to the public promptly and accurately.
2. W.O. should be advised of sensitive situations and planned actions to be taken.
3. Within the framework of the planning system, programs should be identified and current issues brought to the attention of the public, users, and other interest groups.
4. Within each function, the public awareness program should be identified and documented in packages, and AWP submissions, with proper justification. Funds and manpower should be provided for in State submissions for a proper public information assistance program as it relates to trespass and other resource activities.
5. Appropriate selected employees should attend State, local, and national meetings, that are related to public land issues for the purpose of being informed and informing the public interest groups on current affairs.
6. Accountability should be established through existing evaluation procedures and personal PIPR.

C. District Manager:

1. Responsible for implementing public affairs plan as delegated by State Director.

VI. RECOMMENDATIONS:

No new policy is needed to carry out a public awareness program related to trespass on the public lands. However, management directions through public affairs staff, program management, and the AWP process should result in a more effective trespass prevention program.

VII. NEEDED FOLLOW UP:

Brief Director and State Directors of Recommendation.

January 12, 1979

Summary Report of Working Group on Work 1978-79

There are numerous priorities that must be considered in the setting of priorities:

- Submitted versus anticipated
- Types of research
- Old versus new
- Research needed or desired versus now feasible
- Prevention versus treatment research
- Clinical versus basic
- Research of human beings and other vertebrate animals
- Low versus high risk

SECTION NO. 10

WORK GROUP REPORT - SETTING PRIORITIES

Our work group has been very busy, particularly in the last few months. We have been involved in the setting of priorities for the next year. We have been working on the fact that we have a limited budget and we have to make sure that we are getting the most out of it. We have been working on the fact that we have a limited number of people and we have to make sure that we are getting the most out of them. We have been working on the fact that we have a limited number of resources and we have to make sure that we are getting the most out of them. We have been working on the fact that we have a limited number of time and we have to make sure that we are getting the most out of it. We have been working on the fact that we have a limited number of money and we have to make sure that we are getting the most out of it. We have been working on the fact that we have a limited number of people and we have to make sure that we are getting the most out of them. We have been working on the fact that we have a limited number of resources and we have to make sure that we are getting the most out of them. We have been working on the fact that we have a limited number of time and we have to make sure that we are getting the most out of it. We have been working on the fact that we have a limited number of money and we have to make sure that we are getting the most out of it.

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RESOURCES LEADERSHIP TRESPASS CONFERENCE

January 12, 1979

Summary Report by Setting Priorities Work Group

There are numerous priorities that can be considered in the subject of "priorities" such as:

- Suspected versus confirmed
- Types of trespass
- Old versus new
- Resource removal or damage versus non resource
- Prevention versus detection versus termination
- Criminal versus civil
- Jeopardy of Bureau Management Option versus non jeopardy situations
- Low versus high level prospects for settlement
- A total Bureau trespass program versus taking or that which can be accomplished immediately with present levels of funding and manpower

Our work group limited by time, principally, first identified the kinds of trespass (unauthorized use of the public lands and resources). We next touched on the fact that we wanted to discuss a total BLM trespass program but due to time constraints fell back to stating a few guides for getting on with a trespass program utilizing the existing manpower and funded program activities. We also rewrote a portion of the BLM 9230 Manual, Trespass - part .07 Case priorities. This re-write is a guide for setting priorities for case processing and should prove helpful in reducing case backlog.

TABLE OF CONTENTS

- I. Objective
- II. Recommendations
- III. Kinds of Trespass Identified
- IV. Bureauwide Trespass Priorities
- V. Bureau Trespass Program

*Note: The intent was to address the elements of a total BLM trespass program, however, the time frame and press for other subjects to be addressed did not permit. In the context of priorities this subject should probably be addressed.

- VI. How much and what kind of trespass work (with present heavy workload, limited funds, and manpower).
- VII. Proposed re-write of BLM 9230 Manual Trespass Part .07 Case Priorities.
- VIII. Needed Follow-up

I. Objective: Identify and recognize priority trespass items throughout the Bureau. (Given our heavy workload coupled with limited funds and manpower, what kinds, and how much trespass work should we do?)

II. Recommendations:

1. Priorities for trespass program action: Based upon a cursory survey of the SO and ESO it was found that:

occupancy)	1	
rights-of-way) are	2	
grazing)	3	Priorities

It is significant that in 7 of 12 offices occupancy trespass is first priority and second priority in 2 States. Therefore, in 9 of the 12 States it is high priority. In 6 of the offices rights-of-way have high priority. All of the offices recognize occupancy and right-of-way trespasses as significant problems. However, many other forms of trespass trouble many of the offices. These statistics are fairly strong indications of trespass priorities but specific detail is lacking; we recommend that a detailed trespass report be requested from SO's and ESO in order to determine priorities based on specific trespass cases or groups. The survey would include trespass types, sizes, impacts on programs, and significance for all trespass related activities. That a due date of May 1, 1979, be used to coincide with other trespass reports due in FY 1979.

2. More emphasis must be given to Bureau program direction. For example, in FY 1979 AWP directives, only minerals and lands directly addressed needed trespass actions:

Minerals Trespass Directives:

Inventory and document mineral and mining claim occupancy trespass. Where lack of information prevents completing an entry in the trespass register, a separate list of trespasses will be maintained giving as a minimum the date discovered, legal description of the lands involved, and if possible, an estimate of the quantity of minerals involved per site. As additional information is gathered it will be added to the listing. This will be a means of determining the total extent of the process. Quantification of the situation is necessary in order to request any assistance in the abatement of the trespass.

Lands and Realty Trespass Directives:

Defacto townsites/occupancy trespass: each State should identify and report to the Director (320) by May 1, 1979, those major concentrations of occupancy trespass by defacto townsites on public lands in each State. Numbers of occupants, residences, population acreages, etc., should be described. Proposed methods of resolution for each area identified should be indicated.

III. Kinds of Trespass Identified:

A. Range

1. Livestock--sheep, cattle, horses
2. Enclosures--gates, corrals, fences
3. Seedings

B. Forestry

1. Timber
2. Christmas Trees
3. Poles and Posts
4. Firewood
5. Ferns
6. Seeds

C. Watershed

1. Wells
2. Reservoirs
3. Canals and Stream Diversions
4. Pesticides
5. Paleontological Material

D. Recreation

1. Archeological Materials
2. Cave Vandalism
3. Off-Road Vehicles
4. Commercial Tours and Guides

E. Occupancy

1. Cabins
2. Residence
3. Agriculture
4. Campers and Trailers
5. Mining Claim Occupancy

F. Rights-of-way

1. REA, Commercial, Telephone Lines
2. Undeveloped Rec. Sites
3. Communication Sites
4. Business Commercial

G. Mineral

1. Locatable--Uncommon Varieties--Uranium
2. Leasable--Coal
3. Saleable--Common Varieties--Sand, Gravel, Stone, and Coal

- H. Fire
 - 1. Incendiary--Arson
 - 2. Private--Railroad
 - 3. State
 - 4. Federal
- I. Dumping and Littering
 - 1. Auto Bodies
 - 2. Trash
- J. Vegetative Material
 - 1. Peat
 - 2. Desert Plants
 - 3. Endangered Species
- K. Roads and Trails
- L. Vandalism - General
- M. Wildlife
 - 1. Habitat Improvement or Destruction
 - 2. Exotic Species
 - 3. Animal Control
- N. Noise
 - 1. Chain Saws
 - 2. Motor Bikes
- O. Wilderness Considerations
- P. Wild Horses and Burros
 - 1. Harrassment
 - 2. Theft
- Q. Oil and Gas Exploration
 - 1. Vegetative Damage
 - 2. Soil Damage
- R. BLM Trespass
 - 1. Wild horses and burros on private land
 - 2. Range Improvements
 - 3. O&C Leases
 - 4. Roads
 - 5. Fences

IV. Bureauwide Trespass Priorities:

Where we should expend our efforts with present limitations on manpower and funds.

Table No. 1 indicates that occupancy (residential; subsistence, agriculture, mining claims, cabins, etc.) is the highest priority in 7 out of 12 BLM offices. Rights-of-way trespass is a high priority problem for all offices according to the survey. Grazing ranks as third priority, followed by a variety of other forms of trespass including theft of desert vegetation, mineral material, coral, leasable minerals, timber, and cultural resources and antiquities; mining claim misuse; and recreation ORV trespass.

Table No. 2 was compiled from the Bureau's 1978 Fiscal Year Manpower Utilization Report. It shows that only one percent of BLM's manpower was devoted to trespass efforts in FY 1978. However, compliance (3.2 %) and detection and use supervision (6.5 %) most likely included some trespass efforts.

BUREAU-WIDE TRESPASS PROGRAMS BY STATES
AND OFFICE. THESE ARE ALSO TRESPASS
PRIORITIES; WHERE WE SHOULD EXTEND OUR
EFFORTS WITH PRESENT LIMITATIONS ON
FUNDS AND MANPOWER.

STATE

TYPES OF TRESPASS

	OCCUPANCY	R/W	THEFT DES. VEG	GRAZE	THEFT MIN MAT	THEFT COAL/PHOS	TIMBER	MINING CLAIM	MIN LEASE	GULT ANTIQ	REC ORV
ALASKA	RES 1 SUBSIS				2			3			
ARIZONA	1 RES		2	3							
CALIFORNIA	1 RES									3	2
COLORADO		2		1						3	
IDAHO	1 AGR				3		2				
MONTANA	1 AGR	2									
	RES ON MIN CLAIM										
N. MEXICO	1 RES	2		3							
NEVADA	2			1 excess of auth						3	
OREGON	1 MIN CLAIM RES	3								2	
UTAH		2		1				3			
WYOMING		1		3	2						
EASTERN STATES	CABINS 2 RES AGRIC					1	3		1		

TABLE
1

Encl. 1-7

BLM 1978 FY COMMITMENT TO TRESPASS (1%)
 COMPLIANCE (3.2%)
 DETECTION AND USE SUPERVISION (6.5%)

SUBACTIVITY	COMPLIANCE		TRESPASS		# CASES CLOSED	DETECTION AND USE SUPERVISION		TOTAL	
	MM USED	% OF SUB ACT	MM USED	% OF SUB ACT		MM USED	% OF SUB ACT	MM USED	% OF SUB ACT
4100 En Min	481	7.9	8		7			489	7.9
4130 Nonen Min	64	3.5	24	1.3	63			88	4.8
4210 Lands	251	3.0	156	1.9	402			407	4.9
4310 Forestry	107	5.3	31	1.5	60			138	6.8
4320 Range	334	3.4	152	1.5	751	431	4.4	917	9.3
4330 Recre.	39	1.3	4		33	221	7.3	264	8.7
4340 SWA	1							1	
4350 Wld.									
4360 Fire			1		1	20		21	
4610 Presup						291		291	4.1
4620 Fire			1/2		1			1/2	
TOTALS	1277	3.2	376 1/2	1.0	1318	963	2.4	2161 1/2	6.5

Range and recreation referred indirectly to trespass in their reference to resource protection and use supervision.

In the FY 1981 decision unit package directives, only lands mentioned trespass in their narrative. Forestry and range did not directly discuss trespass but did list trespass as one of the output measures to be considered.

Because of the lack of direct emphasis on maintaining an aggressive trespass program in the current AWP and package directives, we recommend the following:

A. Instructions be issued immediately to supplement the FY 1981 decision unit package directives. Each program activity should identify specific priorities for trespass action and request an identification of increased program needs.

B. A general instruction memorandum be issued to draw attention to top management's commitment to trespass and require a reassessment of program needs to be considered at the mid-year review of the FY 1979 AWP.

C. Top priority be placed on following up on the AWP trespass reports due in the WO by May 1, 1979.

3. WO Divisions representing activities affected by trespass review their trespass manuals and make necessary adjustments to fully consider the recommendations of this conference and recent legislation.

4. Consider the rebirth of Johnny Horizon or a similar program. The public lands and their associated resources and management problems need to be brought into public consciousness as a part of an effective trespass prevention technique.

5. Give stronger management direction to trespass detection and reporting. Detection can be considerably improved through the use of existing field personnel. This could be accomplished through a directive that all field personnel look for and report trespass, trespass orientation and training for field personnel, and inclusion of this role in job descriptions and in the PIPR. Provide special training in the use of the trespass register with emphasis on properly recording and maintaining the register as a useful tool in trespass control.

6. Recommend a trespass focal point at the WO, SO, and BLM District levels. Recommend the establishment of a full time trespass position at the WO, in each SO, and a part time trespass coordinator in each District. This would give emphasis to trespass as an on-going workload and establish a force of people to stay current with the laws, policy, and techniques relative to trespass. Routine detection and processing would still be accomplished by the existing staffs but trespass specialists would be available to provide assistance and coordination between all activities.

V. Bureau Trespass Program: (Not addressed)

VI. How much and what kind of Trespass work (with present heavy workload, limited funds, and manpower):

A. Implement a system for trespass detection utilizing present staffing level. It is assumed that there are many new employees in the District who with a little orientation and training can be very effective in detection and reporting of all types of trespass. It is expected that this would not be a separate program but to be accomplished along with the regularly assigned field work.

B. Maintain complete records of all trespass cases. There is reason to believe that many trespass reports are not being formalized in the trespass register (BLM 9230.21 Step 6). If there are reasons why this procedure is not being used they should be addressed.

C. Implement a boundary signing program to be carried out in conjunction with other on-going work.

D. Publicize successful prosecutions of trespass cases not administratively handled. Suggest review of 9730 14.14B4.B.

E. Give strong emphasis to professional forest and range management administrative practices, specifically to timber sale contract administration and grazing administration.

F. Each activity give emphasis to meeting AWP commitments with regard to trespass, compliance, range use supervision, etc., case processing.

G. Maintain contacts with U.S. Attorney, Solicitor, FBI, State Police, Sheriff, and other legal and law enforcement professionals in order to receive timely and appropriate cooperation on trespass cases when needed.

H. Provide orientation and training within existing AWP by activities in detection, prevention, and reporting of trespass. Gear to new employees but provide retraining and motivation for experienced employees.

I. Immediately establish a trespass focal point at the Washington Office, State Office, and District Office levels.

J. What can be done in land line identification?

1. Prevention

a. Land line identification program. In areas where there is a good recovery of section corners, initiate program for posting and marking the boundaries of public land. The Division of Cadastral Survey recommends the use of YCC or YACC groups or service contracts to accomplish this task.

b. Public awareness. Initiate a public awareness program through which the general public can be made aware of how to recognize public land boundaries.

2. Control

Detection and investigation. Initiate a program through which noncadastral survey personnel can be trained in the finding and recognizing of survey monuments. A "canned" program on this subject is available to BLM personnel in the Denver Service Center (D-132). This will aid in detecting and investigating suspected trespasses.

3. What should a District Manager do if he needs a cadastral survey to help identify a suspected trespass? At the time when AWP's are being prepared, he should submit a Request for Survey (9180-2) to his State Director. The State Director will set the survey priorities for his State. It is advantageous to the cadastral survey team if the District Managers would concentrate their efforts to pursue trespasses to areas where several suspected trespasses can be resolved by one cadastral survey effort.

VII. Proposed rewrite of BLM 9230 Manual - Trespass Part .07 Case Priorities.

Part .07 of the BLM Trespass Manual treats case priorities in terms of time principally with consideration for statute of limitations, criminal versus civil cases, and higher values versus lower values. There are other elements which affect priorities. These have all been considered as guides for Manual Sections in setting case processing priorities. The proposed draft follows:

.07 Case Priorities. The following guides are provided for setting priorities among trespass cases for processing:

A. Time

1. Current ongoing trespass cases should be investigated and possibly processed first. There may be some overriding considerations (see other guides below), however, that may affect the priority.

2. The following priority should be given cases with the objective of clearing up the more recent cases first. (See other guides below.)

- a. Cases less than 1 year old.
- b. Cases 1 to 3 years old.
- c. Cases which have occurred over a period of many years.

B. Public Health and Safety

Any trespass which results in a hazard to public health or safety shall be given a high priority relative to all types of workload. First consideration will be to eliminate the hazard even before successful resolution of the trespass.

C. Resource Values

Generally speaking, an ongoing trespass which is likely to result in damage to either renewable or nonrenewable resources will take precedence over other cases where resource damages are not at issue.

D. Statute of Limitations

Inasmuch as the litigative aspects of a trespass case of a civil nature may be foregone by the passage of time as imposed by the statute of limitations, managers must be cognizant of this time limitation in case processing to assure that opportunities to assess damages are not lost through inadvertence or procrastination.

E. Criminal vs. Civil Cases

Generally speaking, trespass cases of a criminal nature will take precedence over cases of a civil nature. In criminal cases, the criminal aspects of the case will be concluded before the civil damages are pursued.

F. Prospects for Settlement

Money and manpower should be directed toward trespass cases with a high prospect for successful resolution above those cases with a low prospect for resolution, assuming other factors are equal. The likelihood for successful resolution is determined by such considerations as available evidence, age of the trespass, public and trespassers attitude, and the trespassers' ability to make restitution.

G. Opportunity to Group Cases

Take advantage of the economies to be gained in manpower and funding through grouping of trespass cases which have similarities or fall within a common area.

H. Economic Values

Economic values may be considered as the fair market value of the resource lost, the replacement cost, the rehabilitation cost, loss of revenue, or significance to the local, regional, or national economies. In general, those trespasses affecting high values will be given priority over those affecting lower values.

I. Social Values

Trespasses which adversely affect social values include those that affect the life style or the attitudes of a community such as indiscriminate dumping next to a community recreation area or unsightly occupancy trespass in an area of well planned residential development. Priority will be placed on resolving trespasses where action is requested by communities because of impacts on their social values and on resolving those trespasses which are likely to become of concern to the community.

J. Political and Public Support

Priority will be influenced by the degree of political and public support. Those trespasses for which there is strong political or public support for resolution may be given priority over those for which there is expressed opposition. However, actions on some types of trespasses by their very nature generate adverse political or public reaction. If this is anticipated, there should be a well developed plan of action to accomplish the goal of resolving the trespass and directly address the need for informing the public and holders of political office of the need for the planned action.

K. Conflicts with other Resource Developments and Use

Occasionally a trespass will not only have direct impact on a particular resource but will affect the level of use or management options of one or more other resource uses. Priorities should be placed on those items which have the most widespread and detrimental effect on other resource values. We should rely as much as possible on the planning system to identify and assess various resource trespass conflicts. Actions which arise subsequent to the planning decision should be reassessed to determine impacts. One example of this is a livestock trespass will not only use additional livestock forage, but through this additional use, a critical wildlife habitat area may be affected and could add to erosion and increase soil compaction.

L. Interagency Cooperation

A trespass by another Government agency (either willful or unintentional) has potential for straining cooperative relations, not only with those Governments involved, but with those observing. To allow such trespass creates a credibility gap and may tend to encourage additional trespass by others who would normally seek to authorize their actions. Trespass on public lands of various actions should be evaluated to determine the impact on BLM's relations with other Governments. Cooperation is encouraged with other Governments.

M. Conflicts with Special Laws and Programs

There should be an awareness among all field personnel that certain areas of the public lands may have been designated under various laws for special management, i.e., Wilderness, Wild and Scenic Rivers. Those actions that may not constitute a trespass on one part of the public land may be a trespass on an adjacent area. In case processing priority should be given to cases which fall within specially designated areas.

VIII Needed Follow-up:

1. Consider recommendations in drafting trespass position paper.
2. The list of the kinds of trespasses should be made available to field offices to create a greater awareness of the kinds of trespasses on public lands.
3. Use the Bureauwide trespass priorities for firming up priorities in greater detail and initiating a more complete inventory.
4. Part IV - How much and what kind of trespass work - suggests what can be done with current resources and programs. We suggest this part be used to motivate field offices to give greater emphasis to trespass work.
5. The 9320.07 Manual re-write can be released immediately as a guide for priority setting to increase case processing.

SECTION NO. 11

WORK GROUP REPORT - POLICY DEVELOPMENT

In three subgroup reports:

Policy Overview Subgroup

Renewable Resources Subgroup

Nonrenewable Resources Subgroup

1. Introduction

The purpose of this report is to provide a comprehensive overview of the current state of the project. It will cover the progress made since the last meeting, the challenges encountered, and the proposed solutions. The report is intended for the project manager and the steering committee.

2. Project Overview

The project is aimed at developing a new software application that will streamline the workflow of the department. The project has been initiated in January 2023 and is currently in the development phase. The main objectives of the project are to improve efficiency, reduce errors, and enhance the user experience.

3. Project Status

The project is currently on track and is expected to be completed by the end of the year. The development team has made significant progress in the design and coding of the application. The testing phase is currently underway, and the results are promising.

4. Key Findings

- The project has been successful in meeting its primary objectives of improving efficiency and reducing errors.
- The development team has identified several areas for improvement, including the need for better communication and collaboration between the different teams.
- The project has also identified the need for a more robust testing process to ensure the quality of the final product.
- The project has been well-received by the steering committee and the project manager, who have provided valuable feedback and support throughout the process.

RESOURCES LEADERSHIP TRESPASS CONFERENCE

January 12, 1979

Summary Report of the Policy Development Work Group (Policy Overview Subgroup)

Although our trespass problem is a "sleeping giant", our failure to pursue actions to curb unauthorized use in recent years has created a pervasive Bureau problem.

Enactment of the FLPMA creates a new urgency to initiate a program to:

- Protect and preserve resources
- Promote equity of use
- Provide for economic recovery to U.S.

This committee is enthused about, and pleased to support, a new initiative in reduction of unauthorized use and harm to the public lands. There is widespread support at all levels of the Bureau, and probably many employees feel a sense of neglect toward this program.

We are concerned that the Bureau image has suffered through our lack of dedication and ability to manage this problem. The first efforts are recognition and inventory of the problem, to be followed by efforts to rectify. These efforts include:

1. Inventory of existing unauthorized uses
2. Develop policy toward prevention of future trespass (through public awareness and stopping new starts)
3. Detection
4. Investigation
5. Action

In addition:

6. Set priorities
7. Coordinate with other entities
8. Develop public awareness
9. Train BLM employees
10. Use the budget process to redirect and develop new capability in the resolution of this issue.

RESOURCES LEADERSHIP TRESPASS CONFERENCE

January 12, 1979

Report by Policy Development Work Group

(Overview Subgroup)

Introduction

Recent legislative actions have reemphasized the need for and directed the Bureau to manage the public land to protect the quality of scenic, ecological, and environmental values; to provide food and habitat for fish and wildlife and domestic animals; and to provide for human use. The Bureau is mandated to multiple-use management, protection of resources, and to receive fair market value for the use and products of the public lands.

Departmental policy makes each employee responsible for reporting unauthorized use of public lands to the Bureau. Unauthorized use results in disruption of management of public lands. Prevention, detection, and settlement of trespass is an integral part of programs designed to respond to the intent of the Congress. Further, every effort should be made to include and work with the Solicitor's Office, the Department of Justice, other agencies in the resolution of trespass problems.

Definition

Trespass is the unauthorized use of resources or harm to public lands or other property of the United States under the administrative jurisdiction of the BLM.

Prevention

The prevention of trespass on public lands will be a primary concern of the Bureau and is an integral part of all resource activities. A substantial majority of violations are not willful or knowingly committed but occur through ignorance, carelessness or thoughtlessness. Since many boundaries of the public lands are poorly marked or not marked at all, it is difficult for members of the public to know when they are on public lands. Public recognition of significance of public land resources is needed. Rules and regulations for the public lands are numerous and not well known by the public. This makes compliance with the rules and regulations difficult for the using public and creates problems in managing the public lands and resources for the Bureau. It is essential that the public be well informed. This will allow the user to avoid the rules and regulations, the objective being the preservation and protection of natural resources values and the public safety. The public should also have an appreciation of BLM's ability to respond. Criminal prosecutions and penalties should be remedies of last resort. Emphasis shall be given to the dissemination of information,

creation of a presence and positive image by employees in the field, and the resolution of violations by administrative actions rather than prosecution in the courts.

It is the responsibility of all employees in the field regardless of their resource discipline to be observant of incidents of trespass and to personally contact the individual if possible to do so. It is extremely important that tact and common courtesy be used when contacting the public. The most minor of incidents can be escalated into a major confrontation by a poor choice of words or an unnecessarily officious manner.

However, no opportunity should be overlooked to personally contact all users that are encountered in the field for public relations reasons, even though no violation has been observed.

Training: Each district will conduct annual training in trespass detection that will include but not be limited to:

- the recognition of all types of trespass that presently exist on the district.
- types of appropriate actions that may be taken.
- human relations aspects of dealing with individuals on a one to one basis.
- reporting procedures.
- prevention.

Trespass Types: Trespass falls into two categories;

(1) Violations of licenses, permits, or other instruments authorizing certain uses of the public lands (e.g., oil and gas leases, livestock grazing permits, timber sale contracts, etc.).

(2) Unauthorized use not related to written authorizations (e.g. theft of vegetative products or construction and use of unauthorized structures).

Bureau offices can reduce the potential for unauthorized use violations of licenses, permits, contracts, etc., by the preparation of concise, clear, and understandable use authorizations. Commensurate with technical and procedural training of Bureau personnel to accomplish this objective, is the necessity to communicate an awareness of rules, regulations, and stipulations to authorized users. Such an awareness might also include reasons why certain terms and conditions are required as part of the use authorization.

Detection

It should be understood and become a matter of practice that all Bureau field employees have responsibility for detection of unauthorized use which may, in fact, become a trespass action. In the course of pursuing their normal duties, employees should develop a program awareness and knowledge of public land location and status which enables them to recognize unauthorized use.

Bureau employees should identify and immediately report suspected unauthorized use to appropriate personnel at the field level in order that necessary action be taken. Field personnel should exercise discretion and integrity in the pursuit of such activity. Detection of unauthorized use should result in an inventory for determination of magnitude and development of a trespass program.

Investigation

All suspected unauthorized use should be investigated by trained and competent employees who have been delegated such responsibility. The investigation should conclude with a personal contact with the unauthorized user where warranted and possible. Issuance of a Notice of Trespass without initial personal contact is discouraged. A request for consultation with the unauthorized user by the authorized official prior to issuance of Notice of Trespass is the preferred course of action.

Reporting and Documentation

Appropriate field offices shall maintain a log of suspected, confirmed, and terminated trespass actions resulting from unauthorized use of public lands. It is paramount that such actions be properly documented so that the final action is not jeopardized by a procedural defect.

Action

All trespass cases will be evaluated by AM, DM or SD to determine type of action required (administrative, civil, or criminal). Since trespass is defined as unauthorized use, cases involving noncompliance with a use authorization (license, permit, or lease) will initially be pursued under the terms and conditions of the use authorization. If this is not successful in eliminating the trespass or the terms and conditions are inadequate to protect public lands, then resources trespass actions will be implemented.

Administrative

Administrative actions will be taken on all established trespass cases by the AM, DM, or SD as delegated.

- Records will be kept regarding all contacts and actions.
- Efforts will be directed to resolve all trespass as expeditiously as possible.
- Alternative methods for resolving trespass can include halting the unauthorized use, removing an unauthorized structure, or legalizing the use through appropriate permitting action.

Civil

Cases not settled through administrative processes will be referred to U.S. Attorney through the Solicitor for action.

Criminal

Any extraordinary trespass resulting in damage to natural values which is long term or permanent will be referred to the Department of Justice through its appropriate Solicitor's Office. Greatest urgency will be placed on those cases where infractions are continuing and it is necessary, in order to protect public lands and resources, to immediately halt such trespass.

In order to obtain support for prosecution, the DM and SD will work to get early involvement of U.S. Attorney and Solicitor.

Since high quality investigations are essential to successful prosecution, the Bureau's special agents must be involved in all criminal cases.

Note:

Trespass is the last resort in an overall resource management process dedicated to advising the user and the public at large of authorizations or actions to insure compliance.

FOLLOW UP

<u>What</u>	<u>Who</u>
1. Amend FY 1981 Decision Unit Package Advices (<u>if possible</u>)	WO
2. Mid year review topic	WO and selected States
3. PAWP (include advices for programming effort)	WO
4. Begin program of Employee Awareness Public Awareness	WO, States
5. Issue Paper to Secretary Policy Regulations Budget Requirements	WO

RESOURCES LEADERSHIP TRESPASS CONFERENCE

January 12, 1979

Summary Report of Policy Development Work Group (Renewable Resources Subgroup)

Policy and procedures for Range and Forestry are very good - well defined and implemented. Some better than others - for example Timber vs. Small woodland products. Thus our recommendations are quite specific - and relate in many instances to program direction/thrusts. They relate primarily to Range and Forestry actions and procedures of trespass - i.e. prevention. The recommendations are from the work group point of reference and need staffing out by the appropriate WO Divisions.

In addition to our specific recommendations we listed "Overrun" trespass policy - which relates to the recommendations. These should receive consideration in the Bureauwide general trespass policy - (Which appear to have been covered with the exception of #3 and #4C).

The Items for Crosswalk with Other Work Groups were offered earlier for consideration of other appropriate work groups. These items were appropriately discussed and considered in the respective work group reports.

RESOURCES LEADERSHIP TRESPASS CONFERENCE

January 12, 1979

Report by Policy Development Work Group
(Renewable Resources Subgroup)
(Timber - Range - Vegetative Material)

A. Overview - General Policy

1. Highest priority - current, ongoing trespass, in relation to resource damage.
2. Possible criminal trespass action must be pursued before civil demands are made on an individual case.
3. Develop aggressive effort to use all new authorities (i.e., grazing regs) and orient all employees.
4. As trespass deterrents:
 - a) Designate use areas to meet product demand.
 - b) Adequately identify and post boundaries as rapidly as possible.
 - c) Plan adequate personnel on the ground to control trespass. (range riders, etc.).

B. Items for Crosswalk with Other Work Groups

1. Develop field employee Guide (Forestry - i.e., timber, woodland products, Range, other vegetative products).
2. Train field employees in investigative techniques.
3. Develop public information program relating to trespass, penalties, damages, and values for all renewable resources.
4. Orient all employees on trespass responsibilities.

C. Policy/Procedure Recommendations

Relative to Range and Forestry Activities - following are recommendations pertaining to:

Change in Activity Management Policy
Change in Activity Program Direction/Thrust
Change in Activity Procedures.

1. Unauthorized use of vegetative resources in connection with a permit/contract will be addressed as a violation or breach of the permit/contract. Permits/contracts will be adequately (appropriately simple) prepared to prevent inadvertent unauthorized use.

2. Aggressive and consistent procedures will be developed and implemented for boundary marking. The level of accuracy will be consistent with resource values involved.

3. Program direction will provide for schedule for completion of current (new) trespasses within one year of discovery.

4. A cooperative program with the Justice Department (starting at Bureau Director level and supplemented at State Director level) will be instituted, which will specify necessary documentation and predetermined levels of data and evidence acceptable for referred cases (cost effective).

5. Other than for grazing, a simplified permit system will be developed for handling forest products and vegetative materials; in order to abate and remedy trespasses valued at less than \$100 - including multiple damages assessed at a standard rate rather than through an appraisal process.

6. A coordinated forest product and vegetative materials disposal program be developed with (1) the Forest Service - at the national level and supplemented at the State Director's level, (2) local and State agencies, and (3) cooperative adjacent private land owners to provide for uniform and consistent pricing and availability of forest and other vegetative products, e.g., fire wood, Christmas trees, etc.

7. Ensure forest products and other vegetative materials, more valuable for habitat, watershed, or as a unique ecological relationship, are not disposed of to abate or rectify a trespass situation.

8. Provisions will be made to handle alleged trespasser in situations where prolonged litigation may cause extraordinary costs to the Bureau for care and feeding of livestock. (Bonding suggested.)

9. Cooperative agreements and contracted services will be developed between local law enforcement and State regulatory agencies to provide for concentrated and cost effective detection of trespasses of small products (Christmas trees, shake and shingle bolts, fence posts, etc.) and other vegetative products - particularly in the enforcement of compatible State and local laws and ordinances pertaining to such trespasses.

10. Specific local public information plans will be developed as appropriate to insure trespass abatement objectives are publicized, including:

a) The availability of forest products and other vegetative materials in high public demand (location/price/conditions).

b) The merits and "ease" of obtaining the products and materials legally

c) Penalties associated with trespass.

d) Damages to resources and losses to the public resulting from uncontrolled and unauthorized use.

FOLLOW-UP

Recommendations - 1-9 relate to policy/procedure and program direction for Range and Forestry staff. Recommendation 10 is a coordinated procedure between Public Affairs and Forestry. All recommendations should receive priority staffing and implementation of appropriate recommendations next fiscal year. Feedback on Recommendations, Acceptance, or rejection should be furnished the participants and others receiving a copy of the conference report.

RESOURCES LEADERSHIP TRESPASS CONFERENCE

January 12, 1979

Summary Report of the Policy Development Work Group (Nonrenewable Resources Subgroup)

This category includes occupancy, agriculture, rights-of-way, minerals, and recreation trespasses. The Bureau's overall trespass record for nonrenewable resources is poor, as compared to renewable resources.

A procedure established on the Lower Colorado River in the early 1960's is recommended for occupancy, agriculture, and rights-of-way trespasses. The procedure consists of taking action to either abate the trespass or authorize it, based on information and decisions from the Bureau Planning System.

Recommendations for helping solve other nonrenewable resources trespasses are offered. These include:

1. a system of accommodating public needs for mineral materials,
2. acquiring citation authority for violation of recreation and cultural resources regulations, and
3. applying the cost recovery process to trespass actions and assessing the trespasser for the cost of processing the case.

RESOURCES LEADERSHIP TRESPASS CONFERENCE

January 12, 1979

Report by the Policy Development Work Group
(Nonrenewable Resources Subgroup)

A. Nonrenewable Resources

Occupancy

Residential
Rights-of-Way (R/W)
Agriculture
Commercial

Other Nonrenewable

Mineral
Cultural resources
Recreation uses
Fire

B. Renewable resource trespass abatement is a large program in the Bureau (timber, grazing). However, renewable resource trespass effort is largely a factor of the manpower, funds, and emphasis the Bureau wants to place on the program. The procedures for renewable resource trespass are well established.

C. Occupancy trespass is cited as the principal trespass problem in most States because the Bureau's experience over the past several decades has shown that existing occupancy trespass policies and procedures are not efficient and effective. Additional contributive problems include procedural controversy, frustration, and, commonly, failure by the Bureau to remove the occupant.

A new approach to occupancy trespass is needed. Secretarial policy guidance is needed.

Occupancy trespasses involve a variety of improvements and occupants.

Residential occupants:

- Most are low-income people.
- Counter culture people; i.e., the hippie growing marijuana, the "old timer" prospector trying to maintain a historical way of life.
- Most have mining claim authority for their occupancy and know the administrative and legal hoops they can make the Bureau jump through before they can be ordered to vacate.
- They can generate public sympathy and congressional support when BLM tries to remove them from their homes. The Mining Claim Occupancy Act (MCOA) is an example of congressional relief action and a new BLM move against mining claim residents could produce another MCOA.

Right-of-Way occupants:

- Many R/W facilities were constructed in past years under policies or tacit approval by BLM that no R/W permit was needed. REA power lines are an example. Our program is to induce these R/W holders to apply for formal R/W permits.

- Many recent R/W trespasses occur because companies find it quicker and much cheaper to trespass and pay the trespass rental fee than to wait for BLM action on their application and pay the cost recovery charge for BLM's processing their application.

Agricultural occupants:

Most agricultural trespasses result from extensions of operations on private lands, either intentional or through uncertainty over boundary lines.

Commercial trespass:

A variety of causes; some are misuse of unpatented mining claims.

D. Assumptions: There are three important factors to consider in dealing with occupancy trespasses:

1. The trespasser commonly has substantial improvements on the land involving a substantial monetary investment.

2. Most occupancy trespasses would probably have been allowed if the occupant had applied in advance. This would be more applicable to R/W than to residential occupancies.

3. Most existing occupancy trespasses will eventually be authorized either because the Bureau will decide the occupancy is consistent with the public needs for the land and resources or because of pressures (public, congressional, political) which force the Bureau to authorize the occupancy.

E. Objective for Policy for Occupancy Trespass: To strengthen BLM's position in dealing effectively with occupancy trespasses and to reduce congressional and political support for the trespassers and public sympathy for the occupants.

F. Lower Colorado River Program: Probably the most successful occupancy trespass program ever conducted by the Department of the Interior was the Secretary's Lower Colorado River occupancy trespass policy and program implemented in 1961. This work group proposes a new occupancy trespass approach patterned after the precedent established by the Secretary on the Lower Colorado River.

G. Policy and Program Proposal for Occupancy Trespass:

1. The Secretary would announce a policy that

- unauthorized occupancy on public lands will be terminated.
- unauthorized residential occupants or owners of unauthorized improvements existing on the date of the policy announcement will be offered the choice of (1) accepting a temporary permit to authorize the existing improvement or (2) vacating the public land.
- unpatented mining claims cannot be used for residential purposes except by those persons and their families diligently involved in bona fide mining activities on the claims.
- the Bureau will initiate an aggressive program to (1) stop new occupancy trespasses that start after the date of the policy announcement, and (2) remove those existing trespassers that will not accept the temporary permit.

Policy announcement should be in form of Secretarial Order published in Federal Register with nationwide publicity.

2. BLM would prepare a programmatic Environmental Assessment to cover the issuance of temporary permits to existing occupants. It would evaluate the impact of maintaining the status quo of an existing situation.

3. BLM would proceed to offer temporary permits to all occupants who had improvements on the land on the date the policy is announced. Exceptions might be cases where ejectment action is underway in the courts to remove the occupant, or where the occupancy is in conflict with established special or single use management programs.

4. Bureau Planning System will define the public needs for the public lands and resources and whether these temporary permits should be made long term or permanent, or whether the temporary permit should be terminated and the occupancy removed from the public land.

5. Temporary Permits:

- a. standardized permit, with special stipulations for individual areas or situations;
- b. occupant would acknowledge U.S. ownership of the land
- c. annual term for the permit; could be renewed or reissued until BPS decision is made;
- d. terms and conditions would define removal of U.S. ownership of improvements at the end of authorized use;

e. coordination with local governmental entities on health, safety, and services would be required for renewal or reissuance at end of first year;

f. illegal activities would be prohibited;

g. assignments could be prohibited;

h. new or expanded development of improvements could be prohibited.

6. Trespass Damages:

a. Mining Claim Residents: - No trespass charges would be assessed. Null and void ab initio claimants could be excepted. The mining claim can be assumed to provide an authority for use up to time of announced policy. Fair market value rental for future use under temporary permit.

b. R/W Holders - Fair market rental for past use if the occupant would have paid rental under law and regulation. Cost recovery charges for processing trespass case and R/W permit for post-FLPMA trespassers. Permit rentals if required by law or regulations.

c. Agriculture - Fair market value charge for trespass use and permit rental.

d. Commercial Users and Non-Mining Claim Residential Occupants - Fair market rental for trespass period and permit.

7. Pros and Cons:

Pros:

a. Based on precedent set in earlier Departmental occupancy trespass program on Lower Colorado River.

b. This Lower Colorado River Program was successful.

c. Enables BLM to authorize "immediately" an existing occupancy problem and strengthen our stance to order off the occupants who refuse to accept the offered permits.

d. Reduces the congressional and political support and public sympathy for trespassers who refuse the offered permits.

e. Focuses public attention on the issue of need for the public lands and resources, rather than on the "equities" of the occupant.

f. Separates the residency issue from the mineral issue in evaluating mining claim occupancy. Forces the occupant to prove to BLM and the courts, if necessary, that the occupancy is necessary for mining. This is consistent with recent court decisions and the existing program and policy of the Forest Services

g. Involves local governmental entities in the decisionmaking process on permit renewals and future of occupancy.

h. Induces cooperation from occupants.

i. If some occupants refuse to accept permit or vacate, at least we are no worse off than we are under present situation.

j. The policy statement sets stage for aggressive program for prevention of future occupancy trespass.

Cons:

a. Would give element of approval to occupancies we believe are in conflict with long-term BLM plans.

b. There will be field employee concern that we are giving in to trespassers who have refused to cooperate.

c. It is unfair to give permits to trespassers and not to those occupants who have cooperated in the past by moving off.

(It is true that this proposal is unfair in that it rewards those who refuse to cooperate. However, our present system has rewarded those who cause the Bureau the most problems. This proposal would set in motion a plan that over the long period will assist the Bureau in eliminating most occupancies through removal or long-term authority to remain.)

8. Other Nonrenewable Resource Trespasses:

Minerals, cultural resources, recreation uses, and fire.

a. Need to provide areas, sites, and streamlined procedures for accommodating public needs for sand, gravel, rock, etc., used for construction and decorative purposes similar to firewood disposal procedures. Most of the public will not trespass if they can easily comply with the laws and regulations.

b. Need to work for citation authority or some system of administrative fine to be assessed persons who remove materials or who use land in situations where it is difficult to assign a monetary value to the product removed or the use. This citation or fine would be a deterrent in situations where small quantities of mineral materials are removed without authority for personal or commercial use or for violations of recreation, cultural resources, wilderness, or ORV regulations.

c. Need to consider applying the cost recovery process to trespass actions and assessing the trespasser for the cost of processing the case.

d. Continue aggressive program of detecting and resolving mineral trespasses in leasable, salable minerals commodities using established policies and procedures.

Follow-up actions

WO (320) - Develop temporary authorization/termination program in detail.

- Draft Secretarial Order to announce policy.
- Write Environmental Assessment on policy and program.
- Develop budget and implement program.

Secretary - Sign and publish order.

SD's - Notify trespassers and publicize program.

- Issue permits to trespassers.
- Terminate occupancies which will not accept permit.
- Aggressively stop new occupancy trespasses that start after policy announcement date.
- Evaluate temporarily authorized uses through Bureau Planning

System.

SECTION NO. 12

COMMENTS BY STATES

(received in 1978 - for trespass conference)

The States' comments, as requested by
Instruction Memorandum No. 78-446,
were consolidated in the Washington Office.
They were handed out to all conference attendees.

TRESPASS COORDINATION

SPECIFIC OBJECTIVES: DISCUSS AND DEVELOP A PROGRAM FOR COORDINATION OF TRESPASS WITHIN (AND OUTSIDE) THE BUREAU, INCLUDING ESTABLISHING LEVELS OF ACCOUNTABILITY.

1. Need Method of feedback to Management on problems: e.g., charging for firewood as opposed to free-use permits, has caused firewood trespass (theft) to increase.
2. Need BLM activity coordination (especially Lands, Minerals, ATROW) on such things as: oil and gas operations, rights-of-way and other things that involve surface protection and compliance.
3. Need interagency coordination, e.g. -

USGS: oil and gas operations: split regulatory authority and split jurisdiction (surface or minerals) must be considered for overall coordination and policy.

Bureau of Reclamation (BR): Existing trespasses should be pursued by BR on withdrawn lands.

Justice Department: Need to get their commitment to get good support on court cases.

4. Each Area Office, District Office and State Office should have a trespass coordinator who can provide technical direction and assistance for all kinds of trespass cases - Lands, Minerals, Range, etc.: (Saves time, more efficient, and ensures utilizing same procedures).
5. Develop procedures for how cases are to be handled between district, State Office and Solicitors.
6. The Washington Office should have an active trespass coordinator who would "pull together" all kinds of trespass and coordinate trespass directives.

Comments by States in response to WO Instruction Memorandum No. 78-446,
August 18, 1978 - Resources Trespass Leadership Conference.

TRAINING

SPECIFIC OBJECTIVE: IDENTIFY TRAINING NEEDS AND DEVELOP AN EFFECTIVE TRESPASS TRAINING COURSE OUTLINE.

1. All field people need training to become proficient in observing and reporting trespass with a minimum of time and effort.
2. Our people need training in gathering data that will "stand up" later on when processing the trespass case.
 - a. Certain initial procedural aspects apply to nearly all kinds of trespasses and can be taught in common.
 - b. As procedures progress, each resource program has its own peculiarities involved with investigation, documentation, settlement, determination of damages, etc.
 - c. Need to aggregate these elements that apply to all resource program situations, identify and document them, and develop procedures accordingly. A separate tailor-made program must be developed for the various activities.
3. Resource specialists need training on when they should call in the law enforcement agents.
4. Division of Resources should have the lead role in trespass abatement except for fire trespass investigation.
5. Need training in: new grazing trespass regulations, agricultural and occupancy trespasses, mineral trespasses.
6. A training course is not enough - need follow-up such as District or State trespass workshops.
7. Who should attend training course and how often? Should we concentrate on District and State Office Trespass coordinators?

PUBLIC AWARENESS

SPECIFIC OBJECTIVE: ESTABLISH PROCEDURES FOR PUBLIC AWARENESS AND MEASURES THAT WILL PREVENT OR CURTAIL TRESPASS.

1. Prepare brochures covering camping outside of developed recreation sites. Include do's and dont's, etc.
2. Prepare brochures containing guidance for when and how mining claimants can occupy their claims.
3. Need planned and organized approaches to inform public about what constitutes trespass in all resources programs. The public needs to know what will happen to them if they trespass.
4. A long-term public education process is needed.
5. Successful trespass abatements and settlements should be publicized.
6. An educated public will support the Bureau of Land Management trespass programs, e.g., a) the fact that trespassers are profiting at the expense of everyone else on Public Lands.
 - b) The need for support by the Congress
 - c) The loss of revenues and the amount of time required to pursue trespasses on the public lands.
7. Trespass needs should be discussed during Public Affairs Workshops.
8. Districts need better guidelines on the use of news media in a trespass prevention program.
9. Districts need guidance on how to post public lands against unauthorized uses.

Comments by States in response to WO Instruction Memorandum No. 78-446,
August 18, 1978 - Resources Trespass Leadership Conference.

SETTING PRIORITIES

SPECIFIC OBJECTIVE: IDENTIFY AND RECOGNIZE PRIORITY TRESPASS ITEMS
THROUGHOUT THE BUREAU (GIVEN OUR HEAVY WORKLOAD COUPLED WITH LIMITED
FUNDS AND MANPOWER, WHAT KINDS, AND HOW MUCH, TRESPASS WORK SHOULD
WE DO)?

1. Need to use AWP Directives to provide this guidance on an annual basis.
2. Need to determine where and when to concentrate efforts.
3. How much should we devote toward trespass?
4. We should give first priority to trespass detection and abatement and the resolution of new starts: (Is this about all we can afford?)
5. What do we do in those sticky cases where people are stealing mineral materials (sand, gravel, flagstone, etc.) on their valid mining claims?
6. Can we be assured that BLM and USDI management will back us up if we pursue certain kinds of trespass?
7. When should we expend funds to identify property boundaries? Section 201(b) of FLPMA states that we should do this "as funds and manpower become available". Proper boundary signing helps to discourage new trespass starts.
8. What priority should be given to BLM trespasses (project developments on private or state lands)?
9. Should certain irreplaceable resources, such as cultural, endangered plants, wilderness values, paleontological resources, etc., be given higher priority for trespass protection and resolution than the renewable resources?
10. Someone needs to tell our priorities to the U.S. Attorney.
11. Trespasses requiring cadastral survey often are ignored - need to give more priority.
12. Management (Secretary's Office, Director, AD's, State Director, DM's and AM's) need to give the same emphasis to trespass throughout the Bureau.

13. BLM should, after determining how much is logically needed for an effective trespass program, make these needs known to OMB through the program/budget process. (Now called the decision unit package process)
14. Use PIPR's to stress importance of trespass.
15. Is there a need to set priorities for resolution of certain kinds of trespasses such as REA powerlines, county roads, signs, unauthorized dumping, agricultural, off road vehicle use?
16. BLM must determine how much emphasis should be given to trespass in a given situation. We have limited manpower and fund; therefore, any effort expended toward trespass must be spent wisely.

Comments by States in Response to WO Instruction Memorandum No. 78-446,
August 18, 1978 - Resources Trespass Leadership Conference.

POLICY DEVELOPMENT

SPECIFIC OBJECTIVE: IDENTIFY THE NEED FOR AND DEVELOP POLICY, PROCEDURES,
AND GUIDELINES FOR AN EFFECTIVE BUREAU TRESPASS PROGRAM.

1. Trespass should be resolved as it is discovered, or if not resolved, it should be documented for future action.
2. Avoid taking action on certain cases and ignoring others.
3. Need to plug in legislative changes into our policy and procedures.
4. Consolidate all trespass guidelines into one section - both manual and regulations.
5. Continue the present manual system - 9230 as the overview, followed by manual sections covering each resource or activity.
6. Define terms, e.g., contract enforcement, trespass, and criminal situation.
7. The present manual is adequate for Forestry and Lands but not other resources.
8. For mining claim occupancy cases - need guidelines on:
 - a. When or when not to pursue a validity exam.
 - b. When occupancy of a claim is justified.
9. Review and update all manuals and regulations based on new legislation in recent years.
10. Be more specific on what constitutes timber trespass damages.
11. Using BLM roads for residential access - is this trespass?
12. Shouldn't BLM have a policy of authorizing long-term leases for those occupancy trespasses who have been in place for a long period of time (5, 10, 15 years)?
13. What are the law enforcement roles of the local law enforcement officials and the FBI on timber trespass?
14. Need clarification on transitional relations between criminal status and civil demand of a timber trespass case.

15. A grazing trespass handbook is needed by field people.
16. Develop streamlined procedures that will eliminate red tape and provide for swift settlement.
17. Develop a minimum fine system and/or damages, whichever is greater, so that it is no longer profitable to trespass.
18. Consider delegating more settlement authority to DM's, e.g., willful grazing trespasses and minor trespass cases where there is extreme resistance to settlement and further work would be moot.
19. Use the BLM Planning System to document existing trespasses that are not scheduled for speedy resolution to ensure consideration of alternatives and to facilitate programming of a resolution. Are Planning System directives adequate to provide this guidance?
20. DM's should have the authority to file complaints with local law enforcement authorities in the name of the United States. (At present, we have to file as private citizens).
21. We must abandon the notion that every mining claim occupancy case must begin with a validity exam.
22. Can or should the Bureau adopt a policy of recovering costs entailed in abating trespasses?
23. We need a policy whereby unauthorized users (Lands Trespassers) are charged a penalty of \$250 - \$500 and are assessed triple back rental (as in the case with timber trespasses).
24. BLM Manual Section 9232, Occupancy Trespass, has no consistent and specific policy regarding unauthorized occupancy. This is true of every level in BLM from Washington down through area Managers, as to their approach and attitude towards occupancy trespasses.
25. Occupancy trespass - such as in Medford, Oregon, and Redding and Folsom California districts, deserves special consideration and specific guidance.
26. BLM needs to examine our procedures that tend to encourage trespass, e.g.:
 - a. slow response to requests or applications for use authorizations.
 - b. propensity to capitulate to unauthorized users.
 - c. slow response of Solicitor's Office.

- d. Hesitancy of personnel to act on trespasses due to a perceived "lack of backing" from higher management.
 - e. Reticence of personnel when they believe trespasses "will go political".
 - f. trespass abatement is accomplished on a time available basis.
27. Secretary's office and Management at all levels of the Bureau should be informed on what trespass problems are prevalent in the Bureau and all must provide support when needed.
28. Current Manual procedures do not give adequate guidance for processing minor or nuisance trespasses, e.g., abandoned cars, horse corrals, house trailers, etc.
29. Policy needs to be developed concerning settlement of agricultural trespasses that do not fit the 1968 UTA which was revised by FLPMA.
30. Policy is needed on how to record and authorize the many roads throughout the Bureau that were constructed under the authority of R.S. 2477.
31. Long-existing trespasses such as REA power lines and irrigation facilities will require policy on how to authorize.
32. A standard method is needed to determine trespass damages where occupancy, farming, etc. is not involved, yet a resource has been damaged or destroyed through unauthorized use (i.e., removal of vegetation, scarring and disturbance of the land surface, etc.)
33. Need standardization of procedures for processing all kinds of trespass cases and determining damages (for example, there are presently several methods for determining agricultural trespass damages, some of which require appraisals and some do not). This situation results in inconsistencies in damages to be paid by trespassers.
34. BLM needs to adopt a stronger trespass policy.
35. Need uniform trespass procedures for dumping and littering.
36. Are existing regulations (43 CFR 6010.2(b)) pertaining to vandalism, theft of desert plants, theft of archeological values, etc., enforceable? If not, what is needed?
37. How to establish damages and penalties? Are penalties "cost recoverable"?
38. How and when to negotiate a trespass settlement.
39. How do the new law enforcement authorities of FLPMA relate to trespass procedures?
40. Can an administrative action proceed to a civil action when negotiation breaks down or the alleged trespasser refuses to accept responsibility?

41. Does the statute of limitations apply when the issue is filed in court?

42. When the trespass can be resolved administratively, can we collect as far back as the party admits?

43. What criminal laws pertain to public lands such as Wild and Free-Roaming Horse and Burro Act, Land and Water Conservation Fund Act, Antiquities Act (and its limitations by Court decision), FLPMA, Emergency Amendment Act, etc.?

44. Both Congress and States have a right to make laws for Federal lands. In case of conflict, Federal law controls. When can we look to State law? Any other?

45. What can we do to mitigate trespass damage with trespass collections?

46. Is cultural resource theft or destruction a trespass or vandalism, and how do we handle it?

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